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Transportation of waste material

Washington

1916

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TRANSPORTATION OF WASTE MATERIAL

HEARINGS

ON

H. R. 16893, TO PROHIBIT THE USE OF HARBORS, RIVERS, CANALS, ETC., OWNED, OPERATED, OR MAINTAINED BY THE UNITED STATES TO VESSELS FOR THE TRANSPORTATION OF WASTE MATERIAL COLLECTED FROM CITIES CONTIGUOUS THERETO

HELD BEFORE THE

COMMITTEE ON RIVERS AND HARBORS

HOUSE OF REPRESENTATIVES
SIXTY-FOURTH CONGRESS

CONSISTING OF

STEPHEN M. SPARKMAN, Florida, *Chairman.*

GEORGE F. BURGESS, Texas.
CHARLES G. EDWARDS, Georgia.
JOHN H. SMALL, North Carolina.
CHARLES F. BOOHER, Missouri.
THOMAS GALLAGHER, Illinois.
DANIEL A. DRISCOLL, New York.
THOMAS J. SCULLY, New Jersey.
CHARLES LIEB, Indiana.
WILLIAM KETTNER, California.
SAMUEL M. TAYLOR, Arkansas.
MURRAY HULBERT, New York.
H. GARLAND DUPRÉ, Louisiana.
WILLIAM E. HUMPHREY, Washington.
CHARLES A. KENNEDY, Iowa.
ANDREW J. BARCHFELD, Pennsylvania.
ROBERT W. SWITZER, Ohio.
ALLEN T. TREADWAY, Massachusetts.
JAMES A. FREAR, Wisconsin.
DOW H. DRUKKER, New Jersey.
PETER E. COSTELLO, Pennsylvania.

WILLIAM C. BROOKER, *Clerk.*
JOSEPH H. MCGANN, *Assistant Clerk.*

308
Z
Box 287

JULY 26, 1916

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

TRANSPORTATION OF WASTE MATERIAL.

COMMITTEE ON RIVERS AND HARBORS,
HOUSE OF REPRESENTATIVES,
Wednesday, July 26, 1916.

The committee met at 10.30 o'clock a. m., Hon. Stephen M. Sparkman (chairman) presiding.

The CHAIRMAN. The committee will come to order. This meeting was called for the purpose of holding hearings on the following bill:

[H. R. 16893, Sixty-fourth Congress, first session.]

A BILL To prohibit the use of harbors, rivers, canals, and so forth, owned, operated, or maintained by the United States to vessels for the transportation of waste material collected from cities contiguous thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of War to prohibit the use of all harbors, rivers, canals, or other similar works of navigation that now are, or that hereafter may be, owned, operated, or maintained by the United States, to scows or other vessels or tows of every description engaged in the transportation of every accumulation of animal, fruit, or vegetable food waste, liquid or otherwise, collected from cities lying contiguous to any harbor, river, or canal and other similar works of navigation. And every person or corporation violating this rule shall be deemed guilty of a misdemeanor, and on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding $5,000 for each offense, or by imprisonment, in the case of a natural person, not exceeding five years, in the discretion of the court. This act to take effect immediately.

STATEMENT OF HON. DANIEL J. RIORDAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK.

Mr. RIORDAN. Mr. Chairman, this bill, H. R. 16893, was introduced by me on the 10th of July at the request of a committee of people of Staten Island, which is a part of my district. Mr. P. G. Ullman, jr., is here and has been selected as the chairman of the committee of gentlemen who are here from Staten Island, and I am going to ask yourself and the committee to recognize him and put him in charge of whatever time the proponents of the bill may have allotted to them.

STATEMENT OF MR. PERCIVAL G. ULLMAN, JR., 45 BROADWAY, NEW YORK CITY.

Mr. ULLMAN. Mr. Chairman, this bill, H. R. 16893, is to prohibit the use of harbors, rivers, canals, etc., owned, operated, or maintained by the United States to vessels for the transportation of waste material collected from cities contiguous thereto. I do not expect to

speak at length with reference to this particular bill and the phraseology of it. I simply call your attention to the fact that this bill is designed to protect every city lying contiguous to any harbor, river, or canal in the United States. The very work of the River and Harbor Committee is protected by this bill; that is, the appropriations for the development of waterways and harbors and the maintenance of the same.

We contend that under a new process that no city should have the right to obstruct navigable waterways. We hope to show that the process is so advanced that the disposal of garbage—and that is what this bill specifically relates to—may be disposed of within the city limits of any city without offense to any of the citizens of those communities within the city limits. We propose to show that by the evidence not only of the health commissioner of New York City—and I will speak of New York City later as illustrating this point in question, because I am better acquainted with that location, as I came from there—but we will show by expert testimony through gentlemen we have with us to-day that the process to be adopted by the city of New York has been in operation in other cities. Therefore we contend that the water highways of this country are the heritage of its citizens; that its use should be protected for the transportation of legitimate commerce. That is about all I have to say with reference to the bill itself.

In illustrating the various points with reference to this question of garbage disposal, I must necessarily take up the most extravagant case governing this subject, and that is the case of New York City. Let us take, for instance, the present conditions in New York City with reference to the disposal of garbage and the transportation of the same. New York City to-day has access to the North River; it has access to the East River; the lower New York Bay and the channels leading to Barren Island. The city of New York has recently adpoted a new plan, a new process, for the disposal of garbage. They have selected a site midway in the Staten Island Sound. I say in the Staten Island Sound, to be accurate it is on the Fresh Kills River, which is practically an arm of the Staten Island Sound. It necessarily follows that while these existing contracts are in force, and will be in force for at least four years, at Barren Island, the city of New York will cause to be erected a garbage-disposal plant at the site I have mentioned in Staten Island Sound, and the transportation of garbage in scows will be added to the waterways and channels already monopolized, to a large extent, by the city of New York.

The CHAIRMAN. Where is Barren Island?

Mr. ULLMAN. Barren Island is within Jamaica Bay.

The CHAIRMAN. That is where the present site is located?

Mr. ULLMAN. Yes, sir; under an old process of disposal, sir; and I understand a very offensive one. This is a new one and inoffensive.

Therefore the narrow waterways of the Kill Van Kull and the Staten Island Sound, separating the State of New York from the State of New Jersey, and also the waterways of the lower bay and Raritan Bay, will be added to the waterways and channels already utilized by the street cleaning department of the city of New York.

We then have this condition, that every waterway and every channel within the harbor of New York—and when I speak of the harbor I mean the rivers tributary thereto—may be at any time utilized by the street cleaning department of the city of New York for the transportation of garbage.

The CHAIRMAN. Why should they not utilize them, if it is necessary to do so?

Mr. ULLMAN. We claim it is not necessary, sir, by their own statement; that this new process which they have at their disposal, they may erect a plant within the heart of New York City and dispose of their garbage in that manner.

The CHAIRMAN. I want to call your attention to the fact that we have nothing to do with any feature except that of navigation. Now, anything that would interfere with the navigable uses of any one or all of those channels is something of which we would have jurisdiction. I can understand that if the use of that channel or any of those channels should be abused so as to crowd out other kinds of legitimate transportation business, Congress might have some authority in the matter of preventing such abuse; or if the use of the channel for the purpose of transporting garbage and such things as that should become a nuisance so as to drive off legitimate traffic, we might have jurisdiction to act and it might become our duty to so act. I am only making this statement in order that you may direct your remarks to those features and anything bearing upon them.

Mr. ULLMAN. Yes, sir; I have that in mind and I had intended to confine myself to that. As I said a minute ago, the city of New York controls all the waterways and channels within the harbor excepting only Ambrose Channel, where special restrictions apply preventing vessels carrying tows from using the channel, under the river and harbor act of March 4, 1913. Special stress is laid on this provision here and the reasons are stated, to the effect that it is essential to the safe use of said channel at all times, and especially in hazy weather, that all craft therein shall operate under their own power at all times.

The CHAIRMAN. What are you quoting from, Mr. Ullman?

Mr. ULLMAN. I was quoting from the order issued by Assistant Secretary of War Breckinridge on April 17, 1914, in relation to the power conferred upon the Secretary of War by the river and harbor act of March 4, 1913.

The CHAIRMAN. Let all of that go into the record.

Mr. ULLMAN. Yes, sir.

(The order referred to follows:)

REGULATIONS RESTRICTING THE USE OF AMBROSE CHANNEL, NEW YORK HARBOR.

THE LAWS.

The river and harbor act of June 13, 1902, contains the following provision:

"SEC. 11. That section four of the river and harbor act of August eighteenth, eighteen hundred and ninety-four, be, and is hereby, amended so as to read as follows:

"'SEC. 4. That it shall be the duty of the Secretary of War to prescribe such rules and regulations for the use, administration, and navigation of any or all canals and similar works of navigation that now are, or that hereafter may be, owned, operated, or maintained by the United States as in his judgment the public necessity may require; and he is also authorized to prescribe regulations

to govern the speed and movement of vessels and other water craft in any public navigable channel which has been improved under authority of Congress, whenever, in his judgment, such regulations are necessary to protect such improved channels from injury, or to prevent interference with the operations of the United States in improving navigable waters or injury to any plant that may be employed in such operations. Such rules and regulations shall be posted in conspicuous and appropriate places for the information of the public; and every person and every corporation which shall violate such rules and regulations shall be deemed guilty of a misdemeanor, and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed shall be punished by a fine not exceeding $500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.'"

And the river and harbor act of March 4, 1913, contains the following provision:

"Improving New York Harbor, New York: For maintenance, including Ambrose Channel, $200,000, and the Secretary of War is hereby authorized to make such rules and regulations for the navigation of Ambrose Channel after the completion of its improvement as he may deem necessary or expedient to insure its safe use in all kinds of weather, night and day, for all vessels under control and running under their own power, and to this end he may, in his discretion, forbid its use to tows of any description and to sailing vessels."

Whereas Ambrose Channel, New York Harbor, has been excavated to its full project depth of 40 feet and width of 2,000 feet; and

Whereas the regulations heretofore issued, restricting the use of said channel during the progress of the improvement, become inoperative upon completion of the work of improvement; and

Whereas the large fleet of steam vessels engaged in the foreign and coastwise trade of New York Harbor are enabled by the ample dimensions of the said channel to enter and leave the port at all stages of the tide and in nearly all kinds of weather, with a corresponding reduction in the time of voyage from pier to pier; and

Whereas it is essential to the safe use of said channel at all times, and especially in hazy weather, that all craft therein shall operate under their own power and be at all times under perfect control; and

Whereas the other entrance channels near Sandy Hook afford adequate facilities for the safe navigation of sailing vessels and tows: Now, therefore, in pursuance of the authority conveyed by the aforesaid acts of Congress, the following regulations are prescribed to govern the movement of vessels in Ambrose Channel, New York Harbor:

1. The use of Ambrose Channel (formerly and before improvement called East Channel) is hereby restricted to navigation by vessels under efficient control with their own motive power, and not having barges or other vessels or floats in tow. Sailing vessels and vessels carrying tows are not permitted to use this channel.

2. Vessels permitted to use Ambrose Channel under section 1 of these regulations must proceed through the channel at a reasonable speed such as not to endanger other vessels and not to interfere with any work which may become necessary in maintaining, surveying, or buoying the channel; and they must not anchor in the channel, except in cases of emergency, such as fog or accident, which would render progress unsafe or impossible.

3. These regulations are not to be construed as prohibiting any necessary use of the channel by any Government boats while on Government duty, nor in emergencies by pilot boats, whether steam or sail, nor by police boats.

4. These regulations shall remain in force until modified or rescinded, and shall supplant all prior regulations governing the use of Ambrose Channel, which are hereby revoked.

HENRY BRECKINRIDGE,
Assistant Secretary of War.

WAR DEPARTMENT, *April 17, 1914.*

Official copy:

S. W. ROESSLER,
Colonel, Corps of Engineers,
In Charge Improvement of New York Harbor.

Mr. ULLMAN. Now, Mr. Chairman and gentlemen, I contend that the inland waterways and the harbor of New York City should require the same protection with reference to safe navigation that the Ambrose Channel now has. The conditions in the harbor of New York are more aggravating than they are with reference to traffic in the Ambrose Channel. It is true that all commerce of the port largely travels through the Ambrose Channel, but it is also true that there is more activity inside of the harbor of New York, within the Narrows, than there is in the Ambrose Channel; that we have no channel 2,000 feet wide, to my knowledge, and 40 feet deep, such as the Ambrose Channel. Our channels vary in size. Take it in the case of the Staten Island Sound and Arthur Kill, from 100 feet upward, and there the congestion is great and growing at all times. Take it in the North River, with its 70,000,000 ferry passengers annually and its 58,000,000 tons of commerce; take the East River, with its 17,000,000 passengers traveling annually across that stream, and its 46,000,000 tons of commerce; take the line from the Battery to Staten Island, with its 15,000,000 passengers annually traveling across the lanes of coastwise and trans-Atlantic travel within the harbor; take the case of the Staten Island Sound, where the passenger lines operate at frequent intervals, and the number of passengers carried is 3,000,000 annually and the commerce amounted to 32,000,000 tons per annum in 1914. Those are the conditions which confront us and bring us here before you to tell you that the city of New York has no right to transport garbage in scows through these waterways.

The CHAIRMAN. I do not think we have had any complaint as yet from the city of New York or from any of the boats or transportation lines, complaining that there is liable to be any nuisance or any obstruction of those channels by reason of the transportation of this garbage and refuse matter.

Mr. FREAR. May I ask, for the enlightenment of myself and perhaps other members of the committee, will the gentleman address himself to this map and tell us what relation this map has to the bill? I do not quite understand it, and I presume that is true of other members of the committee.

The CHAIRMAN. If you have the bill——

Mr. FREAR (interposing). We have the bill and the map, but I do not see the connection between the two. The gentleman refers to different bodies of water, and I was wondering if they are apparent on this map.

Mr. ULLMAN. I spoke about Staten Island Sound and Kill Van Kull.

Mr. FREAR. Yes; I see that.

Mr. ULLMAN. And, of course, the Fresh Kill River is practically an arm of Staten Island Sound upon which this site is located, and all have relative connection one with the other. Anything that affects the waterways of Staten Island Sound necessarily affect the Fresh Kill River.

Mr. FREAR. Where is this with reference to New York City?

Mr. ULLMAN. About 15 miles from New York City.

Mr. FREAR. And the objection is to having the use of these waterways for the purposes mentioned in the bill; is that right?

Mr. ULLMAN. Yes, sir.

Mr. GALLAGHER. Does that mean you can not transport the garbage out of New York City on any of the waterways of the United States to some disposal station or reduction plant?

Mr. ULLMAN. Yes, sir; that is what it means; that the public necessity, under the process that is now adopted, does not require such transportation.

Mr. GALLAGHER. That is a pretty sweeping sort of proposition, is it not? What are all these cities that are now studying garbage disposal going to do if they can not transport their garbage outside of the city?

Mr. ULLMAN. They are generally adopting the new process, as I understand it.

Mr. GALLAGHER. The new process compels them in some instances to transport the garbage outside of the city?

Mr. ULLMAN. According to the statements I have, where the process has already been in operation, it does not appear that it is necessary to do so.

Mr. SMALL. Is this new process you speak of one of incineration?

Mr. ULLMAN. One of reduction.

The CHAIRMAN. I might state here, Mr. Ullman, that I am told the trouble originated with the people of Staten Island, who really do not want a reduction plant established near the shores of Staten Island, and that it is your purpose, in order to fight successfully such plan, to show that the navigation of the waters in and around New York City will be so obstructed and interfered with that the Government of the United States, or the Congress, ought to step in and prevent it in some way.

Mr. ULLMAN. Exactly.

The CHAIRMAN. That is about it?

Mr. ULLMAN. Yes, sir.

The CHAIRMAN. The bill is broad and reaches practically every waterway in the country. It is not only confined to the waters around New York and those adjacent to other large cities, but applies to those about small cities as well. Of course, that would not prevent us, if we wanted to do so, from framing a bill which would apply alone to New York.

Mr. ULLMAN. Yes, sir; that is the purpose. Of course, the claim is made that these garbage scows have no right to navigate in the waters of the harbor; that they would be an obstruction.

Mr. SMALL. Do you contend it is injurious to health or that it is a nuisance by reason of disagreeable odors, or is the sole purpose to protect the people of Staten Island from the location of this plant on the island? I will ask you all of these questions so you may have them in mind. Does it affect injuriously the channel in any way or does it affect the use of it for the purpose of navigation or does it interfere unduly with navigation of the channel?

Mr. ULLMAN. I should say so. Confining myself to the Kill Van Kull and Staten Island Sound, near where this disposal plant is to be located, I might state that of course you know your committee has appropriated from time to time large sums of money for the development and maintenance of that channel, and very properly so, in my opinion. The channel in itself, supplying, as it does, some 32,000,000 tons annually of water-borne commerce, should require the assistance and earnest support of this committee. When it is realized that this question affecting the Staten Island Channel is not a local one, but, rather, a national one, it seems to me the proposition itself should appeal to everyone directly or indirectly interested in the commercial and industrial development in which that waterway plays a part.

Mr. FREAR. I would like to ask you one more question in regard to this map. You say this is 15 miles from the city of New York?

Mr. ULLMAN. Approximately so.

Mr. FREAR. What was the purpose of handing us this map?

Mr. ULLMAN. Just to give the committee an idea of approximately where the site is.

Mr. FREAR. There is a reduction plant to be placed here?

Mr. ULLMAN. Yes, sir.

Mr. FREAR. That is something that was not explained to some of us. That is the objection, is it?

Mr. ULLMAN. Not to the site, but to the barges coming through there. We have no objection—at least, I have not—to the reduction plant itself as a nuisance. We accept the statement of the gentlemen representing the city and other sections of the country that it will be no nuisance.

As I said before, the importance of this waterway will be fully realized by calling attention to the fact that there is carried through it 14,000,000 tons more of commerce than through the Suez Canal. It is one of the most important waterways in the United States. The tonnage is 32,000,000, jumping from 17,000,000 in 1910.

The CHAIRMAN. Is that Staten Island Sound?

Mr. ULLMAN. Staten Island Sound and Kill Van Kull; yes, sir. The stream itself is destined within a short time, provided adequate channel improvements are made, to become a 100,000,000-ton channel, carrying commerce valued at least $1,000,000,000.

Mr. FREAR. May I ask where that commerce is carried; from New York to what place?

Mr. ULLMAN. To all parts of the harbor.

Mr. LEWIS. Will you not explain what it is that is carried there?

Mr. FREAR. You see, we have only a small map, and I am trying to locate that, and, I presume, the committee is also.

Mr. ULLMAN. I will read from the report on the river and harbor bill, February 4, 1915, the last available report I have. I do not think the commodities have changed to a great extent. The freight carried through this waterway consists of oil, coal, without which the vessels could not navigate through Ambrose Channel——

Mr. FREAR (interposing). I am not questioning your statistics, but to what point is this commerce carried? You need not repeat those statistics, because we are familiar with that.

Mr. ULLMAN. To nearly all points—to the East River and the North River, etc.

Mr. FREAR. Is that the entrance to the ocean?

Mr. ULLMAN. There are two entrances from the ocean, one by way of Perth Amboy, the other one by way of the Kill Van Kull and by way of the Narrows—two entrances; the only waterway in New York Harbor with two entrances from the ocean.

The CHAIRMAN. Which one is that with only two entrances?

Mr. ULLMAN. The Staten Island Sound and the Kill Van Kull.

The CHAIRMAN. Has not New York City two entrances?

Mr. ULLMAN. By way of Long Island Sound, you mean?

The CHAIRMAN. One by way of the East River and the other by way of the Narrows?

Mr. ULLMAN. I understand that it has, but due to the fact that there has not been adequate appropriations for the deepening of the channel from Hell Gate through there, it is not accessible to the city for large traffic, and it is not generally used. The fact is as you state; yes, sir.

The CHAIRMAN. It is now being considerably used.

Mr. ULLMAN. Yes; but not for the largest class of vessels.

The CHAIRMAN. They operate pretty good-sized vessels, and carry a great deal of commerce through there. However, proceed with your statement.

Mr. ULLMAN. This district of 17 miles perhaps houses more large industrial plants than any other tidewater stream in America, some of which are the largest in this country. Now, I want to call your attention to the acute condition with reference to this garbage-disposal proposition.

Mr. Chairman and gentlemen of the committee, on March 4, 1913, this committee made an appropriation of $2,130,000——

Mr. HULBERT (interposing). Mr. Chairman, may I interrupt the witness a moment?

The CHAIRMAN. Certainly.

Mr. HULBERT. Mr. Ullman, I have here a map which gives a bird's-eye view of the entire harbor of New York. I would like to show this map to the witness, Mr. Chairman, and ask him to indicate on it Kill Van Kull with reference to the point at which it is proposed to erect this garbage plant. This is important, and I will pass this map around among the members of the committee, as you will understand it better from this bird's-eye view. Mr. Ullman, just indicate to us where the garbage disposal plant is to be located.

Mr. ULLMAN. At this point [indicating].

Mr. HULBERT. This [indicating] is Fresh Kills River?

Mr. ULLMAN. Yes, sir.

Mr. HULBERT. Where is the garbage disposal plant to be located with reference to the Fresh Kills River?

Mr. ULLMAN. Right at that inside point, near the mouth of the Fresh Kills River and Staten Island Sound.

Mr. Chairman, as I was saying, on March 4, 1913, the Committee on Rivers and Harbors made an appropriation of $2,130,000 for a channel 25 feet in depth at mean low water and 400 feet in width by dredging from Perth Amboy to Shooters Island. Shooters Island does not appear here. It also provided for a suitable turning basin of the same depth at the mouth of the Fresh Kills River. Now, gentlemen, I want to show to you where the city of New York practically nullified that great and necessary project which was passed by the Rivers and Harbors Committee on March 4, 1913. That turning basin at the mouth of the Fresh Kills River has a purpose and a duty to perform. It is of sufficient depth and of sufficient area for the purpose for which it was intended; that is, as a safe turning

basin for large vessels at a central location within Staten Island Sound. It is the only logic location for such a turning basin.

Mr. BOOHER. Will you point out on the map where the turning basin was to be?

Mr. ULLMAN. Right here [indicating].

Mr. BOOHER. And where is this reduction plant to be located?

Mr. ULLMAN. This [indicating] is the Fresh Kills River, and here [indicating] is the location of the reduction plant. The reduction plant is to be down in here somewhere, [indicating,] but the map does not continue down that far.

Mr. BOOHER. How many miles would you say?

Mr. ULLMAN. I should say about 500 or 600 feet inside of the Fresh Kills.

Mr. HULBERT. Where is this turning basin with reference to Linoleumville?

Mr. ULLMAN. Here [indicating] is Lineoleumville away to the west.

Mr. BOOHER. Mr. Chairman, may I ask him another question?

The CHAIRMAN. Certainly.

Mr. BOOHER. How far is this reduction plant from the turning basin? Is that location shown on these maps?

Mr. ULLMAN. Yes, sir. Here are the locations [indicating]. Mr. Chairman, I want to explain this proposition. On the back of that map you will see the name 'Princess Bay Realty Co." That is my company in New York City, and I have represented that Brennan estate for a number of years.

The CHAIRMAN. I suggest that you show how navigation in that turning basin would be affected, or how the use of the turning basin would be interfered with by the additional use proposed.

Mr. ULLMAN. As I stated before, the turning basin was desired for the operation or turning movements of large vessels. Now, that reduction plant is to be located in here [indicating], and there is no way by which these large cumbersome garbage scows could reach this garbage plant in here [indicating] except by going through this area here which was appropriated for by this committee as a turning basin.

The CHAIRMAN. How many scows loaded with such material as is prohibited in this bill would visit that place in the space of 24 hours?

Mr. ULLMAN. It is very difficult to tell. The reduction plant itself is supposed to treat at least 2,000 tons per day. The provision made by the city of New York is rather vague. It provides for approximately 22 dumps. Under the regulations of the health department of the city of New York, particularly in warm weather, it is quite within the range of possibility that the health department may require the transportation of garbage in scows whether they are partly filled or wholly filled, during any part of the day.

The CHAIRMAN. You are not able to state how many scows would be used for this purpose during a period of 24 hours?

Mr. ULLMAN. No, sir. I only have some information.

The CHAIRMAN. Well, what is that information?

Mr. ULLMAN. My information is that there will be at least nine scows coming and going.

The CHAIRMAN. Do you think that number of scows would interfere very materially with navigation through that channel?

Mr. ULLMAN. Yes, sir; and not only with reference to the turning basin, but with reference to the whole of Staten Island Sound; and not only that, but with reference to the whole port of New York.

Mr. GALLAGHER. I want to ask you whether this delegation is here to contend that the transportation of garbage in scows on the navigable waters of the United States is not commerce and navigation?

Mr. ULLMAN. As waste material?

Mr. GALLAGHER. It is the navigation problem that this committee is concerned with. Health regulations are something else, and I do not see that we have anything to do with the matter of health regulations. It seems to me that the operation of these barges is navigation whether they are loaded with garbage or railroad ties or anything else.

Mr. ULLMAN. Well, the point I make with reference to that is that it is waste material, particularly in the case of the city of New York and in the form in which they propose to transport it or allow it to be transported, and that it is not commerce.

Mr. GALLAGHER. Do you contend that that is not commerce and navigation?

Mr. ULLMAN. For instance, coal towed in barges is legitimate commerce, just as crude oil and other raw material of all sorts is legitimate commerce, but this is waste material, although they may use the by-products.

Mr. FREAR. The important question with you, I think, is the question of the value of the property shown on this folder. That is the important question with you, is it not, rather than this question of navigation?

Mr. ULLMAN. The value of the property?

Mr. FREAR. Does this not depreciate the value of this property described here, in your judgment? Is not that the main reason for the drafting of this bill?

Mr. ULLMAN. No, sir; not at all.

Mr. FREAR. I see that this property is described as being ideal for manufacturing sites.

Mr. ULLMAN. That is simply incidental. The location, as indicated there, is suitable for factory sites. In fact, there are factories now on the Fresh Kills River. But that was not our purpose, and I did not have that in mind. I do not think that that enters into the consideration of this case.

Mr. FREAR. You think that nine barges operating in this river would interfere with navigation?

Mr. ULLMAN. I think that one barge that has no right to be there would be an interference.

Mr. HULBERT. Where, with respect to Fresh Kills River, is this turning basin?

Mr. ULLMAN. It is right at its mouth.

Mr. HULBERT. The Kill Van Kull is a salt stream, is it not?

Mr. ULLMAN. It is tidewater.

Mr. HULBERT. Does the Kill Van Kull freeze in the wintertime?

Mr. ULLMAN. Yes, sir.

Mr. HULBERT. Does the Fresh Kills River freeze in the wintertime?

Mr. ULLMAN. Yes, sir; it does, and very solidly, too.

Mr. HULBERT. To what depth?

Mr. ULLMAN. I have not got it in inches or feet, but it depends on the season of the year, or how severe the freeze is, but, nevertheless, I should say that you could drive a horse and carriage, or at least a sleigh, upon it.

Mr. HULBERT. Have you lived long on Staten Island?

Mr. ULLMAN. Yes, sir; all my life.

Mr. HULBERT. Did you ever skate on Fresh Kills River?

Mr. ULLMAN. I do not think I have. We generally use fresh-water ice for skating. I own property right there at the mouth of Fresh Kills River, adjacent to this turning basin, and I have owned it for 30 years.

Mr. HULBERT. How far is this garbage-disposal plant from Linoleumville?

Mr. ULLMAN. I should say about three-fourths of a mile.

Mr. HULBERT. How far is Kill Van Kull from Linoleumville?

Mr. ULLMAN. I should say 1,500 feet, or not over 1,800 feet. I should say not over 1,600 feet.

The CHAIRMAN. This reduction plant is a private enterprise, is it not, employed by the city of New York?

Mr. ULLMAN. The contract of the city of New York is with a private company.

The CHAIRMAN. When the water is frozen to any great thickness they can not use it for navigation purposes, can they?

Mr. ULLMAN. I do not know whether they could get enough dynamite to blow it open in the wintertime.

The CHAIRMAN. Then how would they dispose of the garbage during such time?

Mr. ULLMAN. I really do not know what method they propose by which to keep it open, unless they are going to dynamite it.

The CHAIRMAN. Of course, that is a mere matter of detail, and has little bearing upon the subject.

Mr. ULLMAN. Now, on that point, and going back to the question of the interference with navigation——

Mr. FREAR (interposing). That is, you mean to say that it will be necessary to use dynamite to open up a passage in the river for these nine barges?

Mr. ULLMAN. Of course, that is a figurative speech, but it will be extremely difficult to navigate it.

Mr. FREAR. If that is true, how will it interfere with navigation?

Mr. ULLMAN. We do not presume for a minute that the contractors will erect a plant and leave the refuse on the outside without trying to effect some entrance, in which case the barges will interfere with navigation on the turning basin.

Mr. FREAR. Would not that be an aid to navigation?

Mr. ULLMAN. That depends on what they do. They might have to leave the scows outside. Speaking on that point, I will read an extract from an affidavit made by the mayor of the city of New York, Mr. John Purroy Mitchel, in an action by the Allied Investors Realty

Company *v.* John Purroy Mitchel et al. In his affidavit, Mayor Mitchel says:

> I have been informed by owners of property adjoining Sheepshead Bay and Gravesend Bay that in foggy or stormy weather the scows carrying garbage en route from Manhattan have been held up or detained two or three days owing to the inability of crossing Jamaica Bay in foggy or very rough weather, and during this period of delay garbage has putrified and emitted offensive odors. In my judgment the interest of the city demand that a garbage-disposal plant should not be located within the confines of Jamaica Bay.

Mr. GALLAGHER. Have any legal steps been taken by the people to prevent the carrying out of this plan?

Mr. ULLMAN. It is practically a new contract.

Mr. GALLAGHER. Have any legal steps been taken to prevent it from being carried out?

Mr. ULLMAN. Not so far as the rivers and harbors appropriation is concerned, but there have been legal steps taken in other ways. They have been in the courts on the question of nuisance, but that can not be determined until after the nuisance is created.

The CHAIRMAN. Couldn't they go ahead in the courts if a nuisance is threatened?

Mr. ULLMAN. That does not seem to be the ruling.

Mr. LEWIS. They tried that, but failed.

Mr. ULLMAN. According to the mayor's own affidavit, speaking from the standpoint of the navigation interests of the city of New York, it would not be to the interest of the city, not only with reference to the community interest involved, but also with reference to the navigation interests involved, that the garbage-disposal plant should be within the confines of Jamaica Bay. Now, it does not appear from the record where those barges were anchored, but we presume they were anchored in a sufficient depth of water to float them, and in that case they would be a menace to any kind of small craft, or craft of equal draft with theirs, for two or three days in foggy and stormy weather. Now, with reference to the process which has been adopted by the city, gentlemen, my contention is and always has been and always will be that there is no city in the United States where public necessity requires the giving up of these waterway rights for such purposes as this—that is, for things that have no right to obstruct the channels, waterways, or harbors. The process adopted, not only by the city of New York but by many other cities, is one that will prevent that condition.

It is one thing for people to come here before this committee and ask for large appropriations for the development and maintenance of waterways, and it is quite another thing to ask for the protection of those waterways, and that the money set aside for the development and maintenance of the waterways shall be effectively used. This bill is unique in one of its features, and that is that it calls for no appropriation. It simply provides for the protection of the channel in the interest of navigation, both for passengers using the waterways and for commerce of all kinds. The channels are the commercial arteries of this country, providing the means for carrying the water-borne traffic.

I speak again, Mr. Chairman, with reference to the process, and call your attention to the fact that the mayor of New York City has stated in my hearing and in the hearing of other gentlemen here

that this plant will not be a nuisance to the community or impair in any way the health of the community. The street-cleaning commissioner has made a similar statement. I will now quote from a statement by Dr. Haven Emerson, the commissioner of health of the city of New York, on that point. With reference to this particular process, the plant for which is to be located on the site selected, he said:

> A modern building equipped for the use of thoroughly tested methods of garbage disposal, such as are proposed by the new plant, can be operated anywhere in the city limits without nuisance.

The CHAIRMAN. We would have nothing to do with that question.

Mr. ULLMAN. I understand that, but——

The CHAIRMAN (interposing). That has nothing to do with navigation, and we want you to confine your argument to the question of whether the operation of these garbage-carrying barges upon those streams or waterways will interfere with navigation.

Mr. ULLMAN. My only purpose in bringing this statement in is to cover the point that it is not a public necessity to transport garbage in scows on these waterways, with the consequent obstruction of traffic.

The CHAIRMAN. We have been legislating somewhat along that line. We have, for instance, prohibited the use of the main channel into New York harbor by certain classes of vessels. For instance, here is a provision in the act of 1913:

> The Secretary of War is hereby authorized to make such rules and regulations for the navigation of Ambrose Channel after the completion of its improvement as he may deem necessary or expedient to insure its safe use in all kinds of weather, night and day, for all vessels under control and running under their own power, and to this end he may, in his discretion, forbid its use to tows of every description and to sailing vessels.

That piece of legislation, as you see, clothes the Secretary of War with certain discretionary powers; that is, he can, within his discretion, prohibit the use of the channel by certain classes of vessels. It seems to me that the utmost we ought to do in this or any other like case, would be to clothe the Secretary of War with power to exclude that class of traffic if he should see proper so to do. But whatever we do will have to be done in the interest of navigation. Now, this particular use might crowd out more important classes of navigation, and if Congress should considered it advisable, it might clothe the Secretary of War with power, in his discretion, to prohibit such use of the channel. Now, I have outlined my views on the subject, but I am only one member of the committee, and mine might not be the views of the other members.

Mr. FREAR. Mr. Chairman, may I ask this gentleman another question?

The CHAIRMAN. Certainly.

Mr. FREAR. It seems to me that this is a very important bill. It would affect the cities of Chicago, St. Paul, Detroit, St. Louis, and all the large cities that have such refuse matter removed by means of barges. Would it not affect all of them?

Mr. ULLMAN. Yes, sir.

Mr. FREAR. It would require all of them to put in rendering plants, such as the one you spoke of in the city of New York, or some similar plant?

Mr. ULLMAN. Yes, sir; or some similar plant.

Mr. FREAR. And the passage of this bill at this time would force upon them the necessity for immediate action. It would force immediate action in all of those cities?

Mr. ULLMAN. It is for the relief of all of those cities, and not merely for Staten Island. This is not a local question, but it is a national proposition.

Mr. FREAR. It is because these nine barges going up and down there will interfere with navigation on that channel that these protests are being heard?

Mr. ULLMAN. Yes, sir. One barge not rightfully there would interfere with navigation.

Mr. FREAR. If they had 90 barges through there during the day, would that interfere with the navigation of the channel?

Mr. ULLMAN. Yes, sir; 90 times more than one barge. You gentlemen have been making appropriations year after year to relieve the conditions there. If the conditions there have not been bad with reference to depth of water, etc., you would not have made the appropriations.

Mr. BOOHER. In the reduction of this garbage, is there any by-product or anything of that kind left?

Mr. ULLMAN. Do you mean on the water?

Mr. BOOHER. No, sir. In reducing the garbage in the plant is there left a by-product or surplus that must be gotten rid of in some way?

Mr. ULLMAN. Really, I am not conversant with that point, but the gentlemen who will follow me can answer that.

The CHAIRMAN. I have been informed parties opposing this bill desire to be heard, and perhaps they can answer that question.

Mr. ULLMAN. Yes, sir; and we have an expert here who can answer it.

Mr. HULBERT. I do not know whether you can answer the question or not, but I want to put it on the record as another matter to be covered. As I understand it, you do not contend that this is a nuisance or that is not the basis of your objection here. You are contending that the erection of this garbage-disposal plant would be an interference with navigation. You are not predicating your objections here upon the ground that this garbage plant is a nuisance, but upon the ground that it would be an interference with navigation?

Mr. ULLMAN. Yes, sir.

Mr. HULBERT. Now, upon the other side of the Kill Van Kull there are various agricultural manufacturing plants, are there not?

Mr. ULLMAN. Yes, sir.

Mr. HULBERT. They manufacture fertilizers.

Mr. ULLMAN. Yes, sir.

Mr. HULBERT. And they use bones and other refuse from the abattoirs, do they not? That sort of material enters somewhat into the manufacture of fertilizers, does it not?

Mr. ULLMAN. Yes, sir.

Mr. HULBERT. I would like to have some one who is interested in the presentation of the matter to cover the question of the extent, if any, to which the enactment of this bill would affect the commerce or business of those plants that have already been erected.

Mr. FREAR. May I suggest to the gentleman that we might reach that by having an amendment to this bill providing that they shall not haul bones in barges.

The CHAIRMAN. Oh, I think that could be easily covered.

Mr. GALLAGHER. Mr. Hulbert, you represent the city of New York, in a measure, and are a member of this committee. Have any of the navigation interests of New York or in and about these rivers and channels complained to you about any obstruction that might follow the location of this plant on Staten Island?

Mr. HULBERT. I believe all of them have been addressed to the chairman of the committee.

The CHAIRMAN. I have some communications here that I shall file and will call attention to some of them before we adjourn. I will also read one or two of them presently. (See Appendix A.)

Mr. SMALL. Does this proposed garbage-disposal plant on Staten Island use the modern process you referred to?

Mr. ULLMAN. Yes, sir.

Mr. SMALL. It is proposed to adopt this reduction process in this plant on Staten Island?

Mr. ULLMAN. Yes, sir; and that is a modern process.

Mr. SMALL. Do they propose to establish there the same process concerning which you introduced the evidence of some experts? You introduced the evidence of some expert to show that such a plant could be established on Manhattan Island and that it could be operated there without being a nuisance.

Mr. ULLMAN. Yes, sir.

Mr. SMALL. Has this plant been actually constructed on Staten Island?

Mr. ULLMAN. Not yet; no, sir.

Mr. SMALL. How far has the city gone in the matter? They have made a contract?

Mr. ULLMAN. They have made a contract; yes, sir.

Mr. SMALL. In a general way, what is that contract?

Mr. ULLMAN. I have never seen its terms.

Mr. SMALL. I do not mean the terms of the contract, but, in a general way, what are they to do?

Mr. ULLMAN. This corporation, I believe, is called the Metropolitan By-Products Co. They entered into a contract with the city for all of the garbage collected within the Boroughs of Manhattan, Brooklyn, and The Bronx, and for the transportation of the same to the garbage-disposal plant, for which a site has been selected and bought, and, as I understand it, paid for by the garbage contractors. That is as far as the thing has gone. But, to answer the question that was first put to me, I would like to go a little further, if you will permit me to do so. A question that has some bearing on this whole matter, it seems to me, is the question of the process involved. I might say that, according to the experts, this is not a new process, but it is a process that has been used successfully in other cities. The gentleman who will follow me will speak of that more minutely.

Mr. FREAR. It is a fact that Staten Island is a part of the Borough of Richmond, is it not?

Mr. ULLMAN. It is a part of the city of New York, and an important part of the city of New York.

Mr. GALLAGHER. The city of Chicago has spent a great many millions of dollars on this garbage matter, and they are now spending a lot of money on it. They have looked all over this country in an effort to find some definite plan by which to dispose of garbage, but they have not found anything satisfactory up to date. This is possibly an experiment they are starting up there.

The CHAIRMAN. Have you anything more to say?

Mr. ULLMAN. I would like to answer that gentleman's question. According to the experts, the process adopted by the city of New York is not an experiment, but it is a process that has been adopted in various other cities, and it is in full operation to-day in a number of cities.

Mr. SMALL. As everyone knows, Manhattan Island has a more dense population than Staten Island, and if the operation of such a plant on Manhattan Island would not be a nuisance or injurious to health there would be no substantial reason why it should not be located there.

Mr. ULLMAN. None whatever.

Mr. SMALL. Then what are the substantial reasons against its construction on Staten Island?

Mr. ULLMAN. The transportation of the garbage through those waterways. There is no objection to the plant itself, so far as that is concerned, but this is in the interest of navigation solely.

Mr. KENNEDY. Is the city of New York putting up this plant?

Mr. ULLMAN. No, sir; it is being done by private contractors.

Mr. KENNEDY. Well, the city is making a contract with them, so that the city is a party to this scheme of interfering with commerce?

Mr. ULLMAN. Yes, sir.

Mr. KENNEDY. It seems to me that the city of New York would be too much interested in the promotion of its commerce to enter into a contract that would have the effect of interfering with it.

Mr. ULLMAN. They are inconsistent in their policies. According to this proposition, they are interfering with their own interests; but what principles underlie that deduction I can not say. The city of New York claims, and rightfully claims, large appropriations from this committee. They need them, and they need all that they can get. When we are here trying to uphold the policy or judgment of this committee in making appropriations for New York waterways and the development and maintenance of her commerce I think the city of New York ought to cooperate in a more successful way, especially the present administration.

Now, if there is any question that any gentleman would like to ask me, I will be glad to answer it.

Mr. BOOHER. In the operation of all the reduction plants that I have ever seen there has been a great deal of refuse matter left for use in the manufacture of fertilizers. Now, is it the purpose to dump the refuse from this plant into the Fresh Kills River there?

Mr. ULLMAN. I do not know what their intention is. With reference to their contract, I have not gone into the details of it.

Mr. BOOHER. I want to find out if anybody knows what they will do with it.

Mr. ULLMAN. I do not know what they will do with it. The contract states that so far as the city of New York is concerned that is the final disposition of it. That is all that the city of New York seems to be interested in.

Mr. LEWIS. I am tempted, Mr. Chairman, to answer some of those questions. This is a reduction plant, and the material is converted into grease and certain solid tankage. That solid tankage is in the nature of a dry meal that is one of the ingredients used in making fertilizer.

Mr. BOOHER. Then, there is nothing left over?

Mr. LEWIS. No; sir.

Mr. ULLMAN. It seems to be harmless all around, according to the statement of the attorney for the company.

Mr. FREAR. If I understand your argument, it is to the effect that these barges, used for the transportation of this garbage, will interfere with navigation at this point, and that at present 9 barges are to be used?

Mr. ULLMAN. If you will allow me to put it in my own way, I would say that even one barge, under the circumstances, would interfere with navigation.

Mr. FREAR. That is, you contend that if one barge is used for that purpose it would interfere with navigation, and that, therefore, this bill, which would affect every city in the country using waterways for this purpose, should be passed. You claim that one barge used for this purpose is an interference with commerce, and if one barge is used for this purpose, then, you contend that this bill ought to pass?

Mr. ULLMAN. Yes, sir; I do.

The CHAIRMAN. Suppose you let him state just how it will interfere with navigation?

Mr. ULLMAN. I think that the borough president of our borough could go more into the details of that than I could at this time.

The CHAIRMAN. You have expressed the opinion that it would interfere with navigation, and we would like to know upon what you base that opinion.

Mr. ULLMAN. I have referred to our interest in navigation, and I would refer to the ferry traffic over Staten Island Sound, and I would refer to the water-borne commerce through that channel. Now, you have these barges, one, two, three, or nine barges, if you please. These tows will be coming across from the city of New York at right angles to four ferries that are now in operation across Staten Island Sound carrying 3,000,000 people annually. The channels are narrow, and the ferries make frequent trips between the Staten Island shore and the New York shore. These barges coming down Kill Van Kull and Staten Island Sound, hauled as they are in long tows, together with the tugboat at the end of the line, are a menace to the traveling public.

The CHAIRMAN. What relation do these nine barges sustain to all of the traffic that goes in there during 24 hours?

Mr. ULLMAN. I had taken the figures as 9 barges down, which would be 18 barges in 24 hours.

The CHAIRMAN. What relation would they bear to the balance of the commerce there?

Mr. FREAR. As to sailing craft, and so on.

The CHAIRMAN. Or any kind of craft that goes in there. It would be quite small, would it not?

Mr. ULLMAN. Quite so; yes.

Mr. HULBERT. What is the character of most of the vessels that ply up and down the Kill van Kull? Are they ocean-going vessels or are they inland-water vessels?

Mr. ULLMAN. There are various kinds of water craft; there are a great many tows, tugboats, and ocean-going steamers, particularly within the last three years. They operate in the Kill van Kull and Staten Island Sound.

Mr. HULBERT. Is not coal one of the principal products carried through the Kill van Kull?

Mr. ULLMAN. Yes; coal, raw materials, machinery, crude oil, fertilizer, and so on.

Mr. HULBERT. And carried principally on barges or large ocean-going vessels?

Mr. ULLMAN. Principally on barges.

Mr. GALLAGHER. I came here at the request of Mr. Riordan. He wrote me at Chicago to come here, as he thought I might be of some assistance. But, in view of the statement the gentleman has made about transportation there, I would like to ask you what you would say with reference to this telegram, addressed to the chairman of the committee:

The New York Boat Owners' Association, representing more than 150 of the leading companies engaged in marine transportation in the port of New York, owning and controlling over 2,000 commercial vessels, respectfully protest against the passage of H. R. 16893. Letter of protest following.

The letter is here, also. This is signed by the New York Boat Owners' Association, Ernest Stavey, secretary.

Mr. ULLMAN. Yes, sir; I know the gentleman.

Mr. GALLAGHER. What would you say in reference to a telegram like that?

Mr. ULLMAN. I can not read into the record a thing that is not there, but I imagine the boat owners' association and other associations in New York City, knowing the congested condition of the Staten Island Sound and Kill van Kull, and having in mind that at some future time it will be a one-way waterway, are afraid that if the restrictions are made so drastic they might be required to use their own motive power on these other boats. That is the reason I say that——

The CHAIRMAN (interposing). This is no restriction; it is simply an exclusion of certain kinds of craft, or craft loaded with certain kinds of freight.

Mr. ULLMAN. Yes; I understand that.

The CHAIRMAN. As I have said, I intend to put all of these communications in the record. (See Appendix A.)

Mr. ULLMAN. Mr. Chairman and gentlemen, I have about concluded what I had to say on this subject, and I would like to introduce Congressman John H. Capstick.

STATEMENT OF HON. JOHN H. CAPSTICK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY.

Mr. CAPSTICK. Mr. Chairman and gentlemen of the committee, I have the honor to represent the fifth congressional district of New Jersey. In that district lies the city of Elizabeth, one of the most important manufacturing cities in the State of New Jersey. Its port inlet is on this river. I have taken the opportunity from time to time to go——

Mr. SMALL (interposing). What river do you mean?

Mr. CAPSTICK. The Kill Van Kull River. I have taken occasion at different times to go to the river and examine and view the conditions there. The river there is very narrow, and the general sentiment that exists in our community is a protest against the use of this river for the purposes for which the gentlemen of New York City desire to use it. The Chamber of Commerce of the city of Elizabeth has been very active in establishing and settling manufacturing plants along the river here. It was actually a surprise to me to see the immense amount of manufacturing industry that has been located along the river within the confines of the city of Elizabeth. I trust, gentlemen, that if this bill is not altogether satisfactory that it can be so amended as to exclude the carting of this matter through that kill so as to interfere with navigation and thus harm the city of Elizabeth. I noticed large iron and steel boats there taking on goods for export, and the manufacturing plants there are desirous that nothing shall obstruct the navigation of the river and thus injure their industries.

Gentlemen, I thank you.

Mr. HULBERT. Are Chrome and Carteret in your congressional district?

Mr. CAPSTICK. No.

Mr. HULBERT. Have you visited at Chrome or Carteret?

Mr. CAPSTICK. No.

Mr. HULBERT. Do you know whether the Elizabeth Chamber of Commerce had anything to do with the location of those plants at Chrome and Carteret?

Mr. CAPSTICK. The secretary of the chamber of commerce is here and he will answer that question.

Mr. KENNEDY. Judging by the statement this gentleman made a while ago, it looks to me as though this material is raw material for this plant. They turn out ingredients that go into fertilizer and they turn out grease which is made into soap, and it looks to me as though that is commerce.

Mr. CAPSTICK. I am not questioning that fact.

Mr. KENNEDY. But you were talking about an obstruction.

Mr. CAPSTICK. The obstruction will be that these barges will be in the river there and will not allow the vessels to pass at those points; they will practically have control of the river. They will be in there every day.

Mr. KENNEDY. But it looks to me as though it is commerce.

Mr. CAPSTICK. And the river is not large enough to take care of all that.

Mr. KENNEDY. Then, why not widen it and thus not interfere with commerce?

Mr. GALLAGHER. Is not that a question of regulation?

Mr. CAPSTICK. I do not know, but I think your committee will be able to take care of that better than I can take care of it, and I hope you will regulate it.

Mr. HULBERT. Have you any statistics as to the number of vessels that pass through the Kill Van Kull in 24 hours?

Mr. CAPSTICK. No. The secretary of the chamber of commerce will be more likely to have that information for you.

The CHAIRMAN. Do you think nine barges would materially restrict navigation?

Mr. CAPSTICK. Yes. They are right in and out during all the time, and they will certainly interfere with navigation for the industrial businesses that are now there.

The CHAIRMAN. Nine barges loaded with anything would interfere to some extent, to be sure, but should not ordinarily do so to any great extent.

Mr. CAPSTICK. They are continuously there, as I understand it.

The CHAIRMAN. The nine barges are coming in and loading and unloading, and I presume it takes some little time to do that. I do not know how they get rid of material carried, but I suppose they have some way of dumping it immediately so as not to take up much time.

Mr. CAPSTICK. Well, nine barges of swill and refuse from the city of New York will require some time to take care of at that place, and the barges that are not being unloaded are bound to wait out at that place so they can be taken in afterwards.

Mr. SMALL. Is not your proposition really this: That this is an unnecessary burden on commerce and navigation?

Mr. CAPSTICK. That is it, exactly; it is unnecessary to do it at that point and thus obstruct the regular navigation.

Mr. SMALL. That the garbage from Manhattan Island and Brooklyn could be disposed of in other ways and without utilizing this point on Staten Island Sound, and thus burdening navigation and commerce on this narrow waterway?

Mr. CAPSTICK. Yes, sir; that is it, exactly.

Mr. ULLMAN. I want to introduce Hon. Calvin D. Van Name, president of the Borough of Richmond. Mr. Van Name, together with President Marks, voted against the proposition in the board of estimate and apportionment of New York City.

STATEMENT OF HON. CALVIN D. VAN NAME, PRESIDENT OF THE BOROUGH OF RICHMOND.

Mr. VAN NAME. Mr. Chairman and gentlemen of the committee, in the few minutes that I have been here I have jotted down some words that would overcome this objection that is made to the bill, namely, that as now drawn it might interfere with the towing of garbage from the city of Chicago, we will say, from the harbor of Boston, or some other places. It only takes a few words to change that. These streams are interstate streams. All of the streams that you have heard about are between the States of New Jersey and New York, New Jersey on one side and New York on the other side. You could use the words "interstate streams." You could use the words "streams, bays, and kills lying between two States," and then the objection raised on behalf of Chicago, Boston, and other places instantly disappears.

The CHAIRMAN. Why is there an objection?

Mr. VAN NAME. Because you are using the word "streams." You could provide that the Secretary of War shall protect streams that are interstate streams or streams that lie between two States.

The CHAIRMAN. You make that argument, I assume, on the ground that these waters are interstate and that the waters around Chicago are not interstate. Do you desire to make that difference?

Mr. VAN NAME. The waters of Chicago do not lie between two States.

The CHAIRMAN. But they are interstate all the same.

Mr. VAN NAME. I used the word "interstate" in its dictionary significance; that is, that interstate means lying between two States, and harbors lying between two States. Insert that and this objection on behalf of Chicago and these other cities instantly disappears.

Mr. FREAR. How would that affect New Orleans, St. Louis, Cincinnati, St. Paul, Louisville, and many other cities on the Mississippi and Ohio?

Mr. VAN NAME. I can not answer that. You can use the words "tidal streams," Mr. Congressman; just add those words, as I say, and the objection will disappear. We are not here insisting upon the present draft of this bill; we knew we could not draw the bill properly; we are not experts, but you are. In a few words you could straighten out all of those objections. We expected you to draw another bill, expected you to provide a substitute for this bill, and I was only making these suggestions to show how easy it would be to remove that objection.

Mr. FREAR. It is easy enough here, but when the bill reached the floor of the House it would be so riddled by those representing those places that you would hardly know it.

Mr. VAN NAME. I think you could so word the bill as to remove those objections. We are trying to get this matter straight, and that is all. There seems to be some complication on account of names. All of our streams have two names; that is, all of those about New York. We have the Dutch name "kills," and we have another name, "sounds." You see on this map we have the Arthur Kill; that is simply the Dutch name for Staten Island Sound. Half of our people say Arthur Kill and the other half say Staten Island Sound. When you speak of the Kill Van Kull it does not mean the Arthur Kill, and when you speak of the Kills it does not mean Arthur Kill. There is Kill Van Kull in front of Bayonne; there is Arthur Kill, and there is Staten Island Sound [indicating on map].

Mr. FREAR. Does the word "kill" mean "sound"?

Mr. VAN NAME. No; kill is the Dutch word for stream. So if you hear "Staten Island Sound" do not be confused, because it is Arthur Kill, and Arthur Kill is Staten Island Sound. Kill Van Kull——

Mr. FREAR (interposing). What does "Kull" mean?

Mr. VAN NAME. It was the man's name; the stream belonged to a man named Kull; the stream of Kull; that is all it means. As I say, there is Kill Van Kull, Arthur Kill, and Staten Island Sound. Statent Island Sound commences here [indicating on map], and you go along the shores of Bayonne through the Kill Van Kull, Bayonne, in New Jersey, on one side, and the north shore of Staten Island on the other side. Then you come to Newark Bay. It is known in your statutes, however, as the Kill Van Kull, because you do not use the words "Newark Bay." You go along the Kill Van Kull until the channel of the Kill Van Kull meets the channel of Arthur Kill, or Staten Island Sound. So, starting at New York Bay, you have Kill

Van Kull, running easterly and westerly, until you come to Staten Island Sound, or Arthur Kill, and then for 17 miles down the Arthur Kill, or Staten Island Sound, to Raritan Bay, the deep water of Raritan Bay.

Right here in this committee room so much importance have you given to Staten Island Sound and Kill Van Kull as a waterway that you have appropriated millions of dollars, and properly so. There is no stream in the country for which you have appropriated money that carries the commerce that the Arthur Kill and the Kill Van Kull together carry. I am told that the foreign tonnage leaving Bayonne, on the Kill Van Kull, is greater than the foreign tonnage leaving the city of Boston. It is a stream of that kind that we are asking you to protect. Be consistent. You have appropriated millions for the improvement of these streams, and now we ask you——

The CHAIRMAN (interposing). We propose to protect them if necessary, but you must first show us that they are menaced.

Mr. VAN NAME. I know that; I know you are consistent, and I know you will be consistent if we show you that these scows—notice that I say scows and not barges—will be a menace to the commerce of Staten Island Sound.

Mr. FREAR. Is it intended to use open scows?

Mr. VAN NAME. No; they are deck scows; and right here let me give you the dimensions of these scows.

Mr. ULLMAN. They are open scows.

Mr. VAN NAME. Let me give you the dimensions of them: 100 feet long by 40 feet wide. They should be called boxes—great, big houses. Let me tell you the depth of Staten Island Sound opposite the city of Elizabeth. The width of Staten Island Sound opposite the city of Elizabeth is 700 feet.

Mr. HULBERT. Do you mean the channel or the sound?

Mr. VAN NAME. I mean the whole expanse of water. It is only 700 feet. I do not know how narrow the channel is, but the channel is much narrower than that.

The CHAIRMAN. It is nearly all channel, is it not?

Mr. VAN NAME. No, sir. Maybe somebody here can tell about that. I am told that your act provides that the channel shall be 200 feet now and 400 feet in the future. It requires the greatest of skill——

Mr. FREAR (interposing). What is the depth of the 200 feet of channel?

Mr. VAN NAME. Twenty-five feet.

The CHAIRMAN. How much water will those barges draw?

Mr. VAN NAME. Not much water. A tug, of course, will necessarily draw more water than a barge. The tugs will necessarily be in the channel while the barges will be floating all over that 700 feet, and thus be obstructing navigation.

Mr. FREAR. What do the tugs draw?

Mr. VAN NAME. The tugs must necessarily draw 8 feet. Now, a few thousand feet south of this narrow point, at Elizabethport, is the Arthur Kill Bridge. Not one word has been said about that this morning, the Arthur Kill Bridge, the railroad bridge of the Staten Island Rapid Transit Co. That bridge has a swing or opening in it, and I hope if anybody knows just exactly how narrow that opening is he will mention it; but I do not believe that that opening is 200 feet.

Mr. SMALL. That is a railroad bridge, is it?

Mr. VAN NAME. Yes, sir; with a swing in it.

Mr. SMALL. Is it north or south——

Mr. VAN NAME (interposing). It crosses the Staten Island Sound at right angles.

Mr. SMALL. That bridge is south of Fresh Kills?

Mr. VAN NAME. No; it is north of Fresh Kills.

Mr. SMALL. Is there more than one bridge across Staten Island Sound?

Mr. VAN NAME. No; just one. These screw scows will necessarily have to go through that narrow opening of 200 feet.

Mr. SMALL. I do not believe that has an opening of 200 feet.

Mr. VAN NAME. No; it is less than that. These barges are 100 feet long and 40 feet wide; they will have to go through that opening which, as you say, is much less than 200 feet.

The CHAIRMAN. That is because it has not been completed yet?

Mr. VAN NAME. Oh, yes; it has been completed for years; the Arthur Kill Bridge has existed for years.

The CHAIRMAN. You say there is a bridge there now?

Mr. VAN NAME. Yes. And the skill with which the masters of those great towing steamers swing those immense tows of coal, pig iron, cement and heavy freights, 100 barges at one time, through that narrow opening would meet your admiration. It meets the admiration of everybody who sees it. What have you done or where have you invested money that has brought such a return as the money that you have invested in Staten Island Sound? A few years ago, I think only three or four, figures were given here as to the amount of business, and to-day the increase is something like 25 per cent. That has resulted in a few years because of your appropriations for improving that waterway.

The CHAIRMAN. We understand that. There is no doubt but that a great deal of commerce goes in and out of there.

Mr. VAN NAME. Yes; there is no other place that has such a large volume of business.

The CHAIRMAN. Yes; there is at least one other.

Mr. VAN NAME. Yes; the Sault Ste. Marie; I forgot that. As I was saying, all of that traffic goes through that narrow place, and I merely mention it to show you to what use one of these narrow channels can be put. It is wonderful, Mr. Chairman, what can be done and what is being done to-day on Staten Island Sound.

The CHAIRMAN. Still in view of all that, is it your contention that these barges would very materially add to the obstruction there?

Mr. VAN NAME. That is true; yes. I have made a life study of tides, depths, and water-front conditions. I have made a study of the Kill van Kull in the upper bay and Staten Island Sound, and I want to certify here that with three or four of these boxes, these big houses, in that narrow waterway immediately north of that railroad bridge, with a rapid tide—it is a tidal stream—coming in from the ocean and pressing, we will say, one of the Pennsylvania's great tows in one direction, there would be confusion out there and there would be a rapid pace toward this committee room to change this

condition. I notify you of this now before this great investment is made by anyone so that it can not be said when they arrive here, "We have invested, we will say a million dollars, and do not interfere with us now." We say interfere with them now before they have made their investment of their million dollars. Tell me how a Pennsylvania Railroad Co.'s great tow can come through that narrow place in that rapid tide with five or six barges on the other side of the bridge and not create a mix up.

The CHAIRMAN. Neither can you run two engines in opposite directions on the same track without having a mix up. You must regulate the running.

Mr. VAN NAME. You have the right example, Mr. Chairman.

Mr. FREAR. The first duty of Congress is to preserve navigation?

Mr. VAN NAME. Yes, sir; preserve the investment.

Mr. FREAR. As to removing that bridge and obstruction and compelling, if necessary, the railroads to use ferries or whatever means may be most desirable, Congress has the power—do you think Congress should remove the bridge because of the obstruction?

Mr. VAN NAME. I say that the great skill of these men is sufficient to-day, but it may not be after one of these scows gets in the sound.

Mr. FREAR. The duty is to produce navigation for all purposes?

Mr. VAN NAME. The duty is for you to protect this great investment of $1,000,000 which you have there.

Mr. GALLAGHER. This whole proposition is within the city limits of New York—Greater New York?

Mr. VAN NAME. No, sir.

Mr. GALLAGHER. Is not Fresh Kills in New York City?

Mr. VAN NAME. Yes, sir. The dividing line between the States of New York and New Jersey is through the center of these streams.

Mr. GALLAGHER. I saw one of the communications addressed to the chairman which said that this was a home-rule problem which should be settled by the State of New York.

Mr. VAN NAME. This is the condition there: There is a 25-foot channel only 200 feet wide. The width of the sound there is only 700 feet. That accounts for the turning basin that Mr. Ullman has spoken of. You can see, without this turning basin, what a poor investment this would have been in Staten Island Sound. When you get away down Staten Island Sound, at the mouth of the Fresh Kills, you have provided thousands of dollars, a vast sum of money, to construct a turning basin so that foreign steamers, 400 feet long, and domestic vessels can come and turn in that sound. They come down and do business at the various factories—there is one continuous line of factories on the New Jersey side—they load or unload and then they go to the turning basin, turn, and retrace their steps. Are you going to destroy the turning basin? Are you going to undo the work of these engineers who have provided this channel 25 feet deep by not protecting the turning basin?

The CHAIRMAN. Do you know whether the engineers favor this bill or not?

Mr. ULLMAN. Mr. Chairman, the Army engineers had a copy of this bill. I have received a letter from Col. Black stating that the department is now going over the situation, but the report has not been filed. They have the matter under consideration, as far as the War Department is concerned. I think that was about a month ago, but nothing has been done.

Mr. VAN NAME. If you allow these scows to go out to the turning basin——

The CHAIRMAN (interposing). I do not think you need pursue that any further, since we have the statement that nine barges will go through.

Mr. VAN NAME. I will come to that. Nine is the average.

The CHAIRMAN. Your line of argument is that we ought not to allow that channel to be obstructed, and I agree with you there. The only question is whether six or nine barges are going to obstruct the channel, and as to that we should have the opinion of the engineers before acting.

Mr. VAN NAME. Nine is the average. We have severe weather there; we have dense fogs.

The CHAIRMAN. I have an opinion that nine barges will not materially interfere with the navigation. As to that I may be mistaken. In any event I should like to have the opinion of the engineers.

Mr. VAN NAME. If it so happened that three got into the turning basin, let me tell you that navigation would be paralyzed. It would paralyze the business of one of the greatest waterways.

The CHAIRMAN. If they allowed it, but the regulations would not, I assume, permit it. The War Department has authority to so regulate the number that the channel will not be stopped.

Mr. VAN NAME. These scows are helpless; they have no steering apparatus.

The CHAIRMAN. But they are towed by a tugboat that should control them.

Mr. BOOHER. As the gentleman says, the channel is now carrying all the freight that it can carry, all that it can accommodate——

Mr. VAN NAME (interposing). You must take my word for that.

The CHAIRMAN. If that is correct, of course, the conclusion would be irresistible, but I doubt the correctness of the statement. I can not think, from the reports we have before us, that the channel is being greatly obstructed now, even by the immense commerce that is going through it.

Mr. VAN NAME. I only ask you to get the figures.

The CHAIRMAN. The figures are enormous, but the channel is not obstructed, I fancy.

Mr. VAN NAME. I will say this, without fear of contradiction, that it means sure destruction for a boat, without being propelled by steam or gasoline, to go through Staten Island Sound—sure destruction.

Mr. BOOHER. We ought to have the opinion of the War Department or the Board of Engineers before we attempt to pass upon this matter and decide it.

The CHAIRMAN. Yes, sir; we will have that before the committee.

Mr. VAN NAME. In closing let me say that the statement as to nine barges is an average; that is all. The weather is severe there. You have heard read here Mayor Mitchell's affidavit that these barges are held back on account of weather conditions. There is no such thing as navigating Staten Island Sound in a fog, and commerce in Staten Island Sound is completely paralyzed in case of a fog.

These great big houses can not be navigated across from New York Bay in a storm. It can not be done and never is done. No one would attempt such a thing. There is not a master of a tug in New York who would think of taking out one of these great helpless houses in a storm. If you have two or three days' storms, what then do you have? Congregated in this basin for which you have provided this vast sum of money not 9, not 18, but 30 of these great hig houses in that basin, 30 in and 30 out. Of course, they could not get 30 in and 30 out in one day, but it would mean paralyzing of the commerce in Staten Island Sound, and it would mean the making of the turning basin useless, not for one day, not for two days, but for three or more days. In closing, I ask if you are going to destroy this great investment of a million dollars on this narrow channel provided for by you?

Mr. SMALL. I want to make a statement about this matter to see if we can not shorten it.

This bill proposes to prohibit the use of navigable streams of the United States to a certain class of commerce.

Mr. VAN NAME. It should be limited to these two streams that we have before us.

Mr. SMALL. Let me get the proposition. If you are entitled to any remedy at all, it is probable that this bill should be redrafted?

Mr. VAN NAME. Yes, sir.

Mr. SMALL. So as to confine it to the Arthur Kill in Staten Island and the Kill van Kull?

Mr. VAN NAME. Yes, sir.

Mr. SMALL. And forbid the use of those two to a certain class of commerce. That commerce arises out of the disposition of garbage of a certain portion of Greater New York, and the proposed commerce arises out of the action of the municipality in making a contract for a garbage disposal plant on Staten Island. You say the carrying of that garbage in the manner in which it is proposed to be carried would be an unnecessary obstruction to commerce?

Mr. VAN NAME. Yes, sir.

Mr. SMALL. But the primary reason why this commerce is going to be instituted on these streams is because Greater New York has taken certain action to that end. If that action is necessary in furtherance of any necessary municipality activity of New York City primarily New York has jurisdiction to do as it pleases.

Mr. VAN NAME. Give me a minute.

Mr. SMALL. When I get through. I take it that Congress, by any recommendationn of this committee, would not attempt to interfere with any activity of New York City in the utilization of the navigable streams around New York City unless some superior emergency existed which impelled Congress to do so. Congress has jurisdiction over all navigable streams, but the disposal of garbage is primarily a local municipal matter. The question presented is whether the disposal of this garbage will be an unnecessary burden upon the navigation of those streams.

Mr. VAN NAME. I know what you have in mind.

Mr. SMALL. And if it will be a burden, whether it is a necessary burden.

Mr. VAN NAME. Yes, sir.

Mr. SMALL. The question of whether it is necessary is a local question, and a very important one. The gentleman who preceded you said that there was a means of disposing of the garbage so that the disposal plants might be located anywhere on Manhattan Island, one in Brooklyn and one in The Bronx, without carrying it away, and without creating a nuisance or impairing the health conditions. That is a broad statement. He may be right and he may be wrong on that proposition, but that is where the crux of the matter lies, because if it is a necessary activity of the city of New York, Congress ought not to interfere. If it is unnecessary and the pursuance of that activity will obstruct commerce on this narrow stream, one of the most important commercial streams in the United States, then the committee, or at least I, am in sympathy with you as to whether or not any remedy can be given you. If you are entitled to any remedy this bill should give authority to the Secretary of War to make an investigation and determine whether the use of this navigable waterway of the United States is an obstruction, whether it is unnecessary, and if it is unnecessary, either to regulate or prohibit it as the facts and conditions may seem to justify.

Mr. VAN NAME. I think, Congressman, that we are fully in accord.

Mr. SMALL. I just wanted to bring your attention to that. You have argued that it is not necessary.

Mr. VAN NAME. Yes, sir.

Mr. SMALL. And you have referred to the narrow channel and the great amount of commerce there, all of which are true. I do not think you can successfully contend that it is not commerce. It is commerce which of necessity must use these streams for the furtherance of a proper municipal activity of Greater New York? If it is, Congress should not interfere. If it is not, it involves a very important question which I do not know that we are capable of determining.

Mr. RIORDAN. If the borough president will pardon me for a minute, I do not think the matter has been properly presented before the committee.

A hundred thousand people on Staten Island have protested against this garbage plant on Staten Island and they have voiced their protest in three different ways. First, before the municipal authorities, as a nuisance; more recently before the governor of the State, as a menace to health; and now they are voicing their protest for the third time, on their third proposition, as a menace to navigation. The three things are so intimately joined one with the other that it is very hard for these gentlemen, because they have protested on the three propositions, to keep their arguments separate, and drifting in here on the navigation proposition they naturally refer to the health menace and to the nuisance, but there are three objections to this plant. The first objection, as I said, is to a municipal garbage plant on Staten Island. The answer of these gentlemen who are contending in favor of this plant is that it will not be a nuisance. They answer that, if it is not a nuisance, then each borough should dispose of its own garbage; that is, that Brooklyn, Queens, and Richmond should take care of their own plants. Five thousand people appeared before the board of estimates in the city

of New York to protest against it. The police reserves were called out to maintain order.

The second meeting was held very recently before the governor of the State on the health proposition, and several hundred people traveled from the city of New York to the city of Albany to protest on that proposition. The governor had a very long and very extended hearing and he has appointed a commission, which is now, as I understand it, actually engaged in looking over some of these plants, particularly the one at Boston. This bill was introduced to cover the third objection; that is, the menace to navigation. Anybody who knows the Kill van Kull knows that it is carrying almost every vessel it can. Only the first days of this week we had an accident at the Battery in which a passenger steamer was sunk by a barge. We do not say that one more barge or five more barges are going to hold up the traffic, but we do say that one more or two more or nine more barges are unnecessary and should not be allowed by Congress. If the contention of the opponents of this measure is true that this is not necessary, that it is not a menace to health, why not let each community take care of its own garbage. The three propositions are so intimately connected one with the other that it is pretty hard for a man to talk about them without getting one mixed with the other. It was not my purpose to say anything at this meeting or to get into this argument. Of course, these gentlemen, every one of them, has given his time and his money and study to this question, and every day there is some kind of a meeting held in this community, separated altogether from Manhattan. There is one important point which Mr. Ullman did not bring out. Now, the garbage and refuse go from New York Bay to Barren Island down through the Narrows into the Atlantic Ocean and into Jamaica Bay. Here is a small navigable stream congested up to the very limit. Of course, it will carry another barge or 5 more or 10 more, or 20 more barges.

Mr. HULBERT. If my colleague will permit me, this committee by reporting some bill would place the burden upon the city of New York to designate the manner in which the garbage will be handled, so that the garbage of the whole city would not be brought into this small congested stream.

Mr. RIORDAN. I agree with you. I do not think it is my duty or the duty of Congress to say what the city of New York should do with its garbage, but that Congress should interfere with New York or with anybody else putting unnecessary additional traffic on a congested stream.

I am not at all wedded to this bill. This bill was drawn, as Mr. Ullman has said, by himself. He is not an expert in drawing bills and does not know anything about it. We do not care what there is in the bill which is reported by this committee, and we believe that we are asking for nothing except what is just and equitable.

Mr. GALLAGHER. I wish the bill could be changed so that we could help Mr. Riordan out. I came down this morning for that purpose.

Mr. RIORDAN. I am perfectly willing that you should draft the bill.

Mr. GALLAGHER. I do not want to say that I can draft a bill, but I do say this, I think in justice to myself that we ought to have some information from the War Department or the Board of Engineers before we pass upon this question.

Mr. RIORDAN. So do I. We have written to the War Department. Mr. Ullman has the letter, in which they say that the matter is under investigation. I am willing that the authority should be given to the War Department and that this committee shall do anything at all that will carry out the principles of this bill, because I am sure that the War Department will exercise the jurisdiction when it is found how unnecessary it is.

Mr. SMALL. What do you say to this proposition: Assuming that the committee might be in sympathy with the purpose to be accomplished—I do not know how the members of the committee feel about it, but it looks to me like a worthy purpose—the cause of this complaint arises out of the municipal action of Greater New York, which prima facie it had a right to take, and if this committee, as well as everyone else, ought to take action of the municipality as being based on merit, you see how the committee is embarrassed?

Mr. RIORDAN. Yes, sir.

Mr. SMALL. Because the very remedy you are seeking is based upon the action and prima facie the rightful action of the city of New York and the burden is upon anyone who says it is improper and unnecessary to show that it is.

Mr. RIORDAN. We have covered that point.

Mr. SMALL. In any event it is an administrative matter, and if you are entitled to any remedy there is a power given the Secretary of War—of course he would utilize the Army engineers—to investigate and to make regulations or to exclude this commerce as to him may seem proper. Of course he would not exclude it if the municipal authorities of Greater New York could show that although it might be a burden upon commerce in this narrow channel, and although it might obstruct navigation, yet it was necessary to be done.

The CHAIRMAN. I think after the committee has heard such gentlemen as may desire to be heard we will very likely refer the bill to the Secretary of War for his opinion.

Mr. RIORDAN. That is satisfactory to me.

The CHAIRMAN. We will do that after we have finished the hearing.

Mr. RIORDAN. We have three objections to this plant on Staten Island. We have used two of our remedies and we are now using the third.

Mr. DUPRÉ. What was the result of your appeal to the governor of New York?

Mr. RIORDAN. An investigating commission has been appointed.

Mr. LEWIS. No. A hearing was held before Gov. Whitman and the governor did the natural thing and asked the head of the health board to make an investigation and see whether or not this plant when built was apt to be a nuisance.

Mr. RIORDAN. That follows out my suggestion. That is not exactly what I said, but it amounts to the same thing. We first objected to the municipal authorities in the city of New York and we urged the matter before the board of estimates. That matter is now in the courts. We then went to Gov. Whitman, and the counsel and myself agree on what occurred, although he does not agree with the manner in which I stated it, and I understand that there has been somebody from the governor of the State of New York in Boston

investigating the reduction plant there. Mr. Ullman is my authority for that.

Mr. LEWIS. New Bedford.

Mr. RIORDAN. Yes, sir; a change of location. We are now asking this committee for our third remedy.

Mr. ULLMAN. Mr. Chairman and gentlemen of the committee, I would like to introduce to you Mr. L. L. Tribus, president of the Staten Island Chamber of Commerce and formerly commissioner of public work of the Borough of Richmond, under whose administration an incinerating plant was built and has been in operation for the past 10 years in a congested community without becoming a nuisance. I say that in explanation.

STATEMENT OF MR. L. L. TRIBUS, PRESIDENT STATEN ISLAND CHAMBER OF COMMERCE.

Mr. TRIBUS. Mr. Chairman and gentlemen of the committee, I would concede at once that the transportation of this garbage in scows is a matter of commerce, a very low grade of material, but out of which by-products are to be prepared which will have commercial value, grease and fertilizer; there is no question of that. One point, however, which has not been brought out, and a point of very serious objection, raised by practically all of the present residents of Richmond Borough, 100,000 of them, is that these garbage scows would be towed down paralleling and close to the line of ferry communication between the Boroughs of Richmond and Manhattan, upon which 15,000,000 passengers traveled last year, in addition to all of the steam and freight travel.

The sentimental objection is a tremendous one. We believe that it will interfere very largely with property values. That does not affect, in one way, the action of this committee, but I merely bring that out as one explanation of the reason.

Then the other question as to navigation is whether this narrow waterway of the Kills and Sound should be accorded the privilege of transportation facilities for materials of low value if it interferes with the transportation of materials of high value. That is the attitude the War Department has taken in such correspondence as we have had, and naturally is a very proper viewpoint.

It is one of the principles of hydraulics that you can pass through a 3-inch pipe, a narrow neck, the same quantity of water without reducing the pressure, if your approaches are right, that will pass ordinarily through a 10-inch pipe. Now, by the same token you can pass through the narrow passageway of the bridge and other contracted portions of the Kills at times, if conditions are right, the traffic that would go through the wider portion, but the chances are there would be very serious interference.

Now, as Congressman Riordan has said, there have been three main points raised. It is very hard for us to separate those points in any discussion, because they are so intimately related one with the other. We have tried here as much as possible to present the transportation question, and the two points I have just brought out have a distinct bearing on that question, I believe.

Now, there have been various questions raised here to-day which would indicate to most of us that there is not a clear understanding

of the garbage problem. I will not take your time to go into that at great length. There are three general methods of taking care of municipal wastes, outside of merely dumping them somewhere. There is the old plan of taking garbage and cooking it in receptacles, reducing it to grease and fertilizer base by processes that were attended constantly with nuisance, nuisance to all of the senses, virtually, and a nuisance that was felt at long distances away from the plant.

As the result of many years of investigation, largely in Germany and in England, the progressive citizens there abandoned all reduction processes and almost exclusively take their municipal wastes and reduce them by fire, while those wastes are in as fresh condition as possible, so as to eliminate the first nuisance. In reducing by fire at high temperature, not low temperature, then the gases passing through the chimney, the offensive gases that would pass off at low temperature, are so burned as not to create any local nuisance. There are two by-products, one the slag which is an innocuous mass composed of the cellulose, the ash, and the general unburnable refuse. There is excess heat in these accumulations, so that these plants can turn out steam in addition to that necessary to operate the plant. Therefore that steam has a commercial value, and in many places it is used for operating pumping stations for water supply or sewerage-pumping stations, or in some instances electric-light stations.

Based on the knowledge of what had been done abroad, the Borough of Richmond, which is represented here to-day, started 14 years ago investigating the matter. It is a growing borough. We hoped it would be one of the great boroughs of New York City. We wanted to do that which would be for the best for itself and perchance an example for the rest of the country. After long experiment, we built a high-temperature refuse destructor. There was great local opposition, but it was built, and there has been no opposition to it since we started operation about 10 years ago. It has worked efficiently, reasonably economically, and reduces the garbage and rubbish and ashes from a district covering about 35,000 or 40,000 population, reducing it down to about 35 per cent of the original bulk.

Mr. SMALL. What do you do with your liquid wastes?

Mr. TRIBUS. There is no liquid waste The evaporation is very rapid in these furnaces and there is no liquid waste. We had visitors literally from all over the world. Our plant was taken, in one sense, as the model for many plants that have been since erected throughout this country. Similar investigations were carried on at Seattle, and almost coincident with our work they reached the same conclusion as to the economy of handling these wastes in this general method. San Francisco has built a large plant handling, I think, 300 tons per day, or perhaps a little more. That is in litigation between the city and the contractors. It was to be a high-temperature incinerator. Savannah has perhaps one of the best in the country, recently built and put in operation. I could mention others that have this type of plant. There is a value in the electric power beyond burning up the waste, and that can be operated in a locality without local nuisance. It has been thoroughly demonstrated in this country and abroad and there is no question of that.

There has been within the last two years devised another system of reducing garbage, not mixed refuse, in inclosed kettles, we will call them, and aside from certain elements of danger due to the use of gasoline or naptha, the handling of these wastes can be done virtually without nuisance. I will indorse the statement of the health commissioner of New York to that effect. I have seen this little New Bedford plant, where they commenced experiments about two years ago, which was put in full operation approximately a year ago, with a capacity of 30 tons a day, as against New York City's plant of approximately 2,000 tons per day. It looks like a very different proposition. The New York City proposed plant is simply an aggregation of units under one great roof. The processes are the same. Therefore in stead of 225 kettles in that plant, you could divide that up into 10 separate plants of the proportionate number of kettles, operating those 10 separate localities with no more nuisance than in the one big plant.

The CHAIRMAN. Is it proposed to dispose of all the refuse in New York City at this one plant?

Mr. TRIBUS. All of the garbage—not the ashes and rubbish, which is to continue to be handled under the present method of taking the rubbish somewhere and picking it over and burning it and using the ashes for land filling.

Therefore if these plants were built in separate locations—and I am not speaking of New York City alone, but of any city that wants to get some return through fertilizers and grease—they can be built in the locality from which the refuse emanates, and they can handle that refuse while it is virtually fresh, and the quicker it is handled, as we all recognize, the better it is, because it will not have reached the putrescent stage. Now, if there is probably a greater direct commercial return from reducing the garbage and selling the fertilizer base—it is not fertilizer itself, but it is only about from 25 to 40 per cent commercial fertilizer—that could be done. The fertilizer base and grease have a constant market value, and there is probably a greater return from that now than there would be from selling electricity, particularly in a large city, where there would be competition with great companies; or I would ignore the return and prefer the incinerator plant, as against this reduction plant. Therefore, Mr. Chairman and gentlemen, so far as our proposition goes, we believe it to be absolutely demonstrative by results that there is no necessity for concentrating at any one plant all of the refuse and waste from any one of our great cities; but they can be handled locally, without any other nuisance than bringing the material to the plant and removing the resulting by-products, which are very much less in quantity and weight than the raw materials brought.

Therefore we believe that our proper argument before you gentlemen is that bringing these scows loaded with low-value commercial products or materials and carrying them through the North River, East River, the Upper Bay, Kill van Kull, and Staten Island Sound is not necessary. Therefore you can properly consider it as a direct interference with a higher class of commercial products. Now, it is very proper to say that this is an internal proposition in New York City. The city has entered into a contract that we believe to be an improper one and a burdensome one. But that is neither here nor

there. The city having entered into the contract will probably have to pay damages if it breaks that contract, but it will not be the first time that any large city has incurred damages. Now, as to whether it is injurious to the Borough of Richmond or whether we like it or do not like it is not for you gentlemen to consider. We are using all the legal remedies we can on that question.

The CHAIRMAN. Don't you think that the wisest course to pursue would be to leave the whole matter to the Secretary of War, to act as he might see proper?

Mr. TRIBUS. I think, Mr. Chairman, that the logical thing would be to leave it to the Secretary of War; but, unfortunately, the practical thing is this, that this plant will be built and the damage will have been done before the Secretary of War, according to his present attitude—and we do not blame him——

The CHAIRMAN (interposing). If the Secretary of War should see proper to stop it, he could act at any time. And the burden would fall upon the people who built the plant. If they should find themselves in a situation where they could not get the material to be disposed of to the plant, that would be their lookout and not our fault. The furthest we have ever gone in cases of that kind has been to clothe the Secretary of War with the power to exclude some classes of freight or vessels from a channel. That was done in two or three cases, and I read awhile ago such a provision covering Ambrose Channel. The freight excluded under that provision, or that the Secretary of War is permitted to exclude from that channel, is, nevertheless, freight. It is commerce, but commerce of a very low grade. He could do the same thing here, if he thought it wise and proper to do it, certainly if we give him the power. It is my purpose, of course, to have this bill referred to the Secretary of War, or to the Chief of Engineers, for an opinion. Gen. Black is quite familiar with the whole matter, and I have talked to him about it. What his report will be we may not be able to state now, but we should have it before action is taken.

Mr. TRIBUS. Our great anxiety is this: These gentlemen are under contract to have the plant in operation by the 1st of January, but, of course, they can not do it now, and anything that tends to put the matter off in that way, or in either of those ways——

The CHAIRMAN (interposing). We would not act, in any event, without referring it to the Secretary of War, whose report we can obtain very soon.

Mr. TRIBUS. Of course, we submit the matter to you gentlemen. Now, just one point in closing, referring to these various cities throughout the country: Most of our progressive cities are taking up this matter of local plants rather than of transferring the materials long distances away. There is an almost universal objection to those cities where the materials are carried long distances. I say that simply in answer to the point that was raised here. Chicago has been struggling with this same problem, and they will have local plants before they get through. They have arranged now for two.

Mr. SMALL. What is the population of Staten Island?

Mr. TRIBUS. One hundred thousand on something over 56 square miles. We expect to have a population of 1,000,000 or 1,500,000 in a few years, if we are not handicapped by such things as this.

Mr. SMALL. What is the length and width of the island?

Mr. TRIBUS. It is 14½ miles long and less than 8 miles at its greatest width.

Mr. ULLMAN. Mr. Ambrose McManus, of Elizabeth, N. J., would like to be heard. Mr. McManus represents the Elizabeth Board of Trade.

STATEMENT OF MR. AMBROSE McMANUS, OF ELIZABETH, N. J.

Mr. MCMANUS. Mr. Chairman and gentlemen, I will be very brief. Elizabeth, N. J., is right on Staten Island Sound at probably the narrowest point. At that point it is only 600 feet wide and the channel is only 200 feet wide. Our people favor the passage of this particular bill, either in an amended form or in its original form, according to your judgment, and we do that upon the basis that this would be an unnecessary impeding of navigation. I crave your indulgence, gentlemen, to mention just how vitally this would affect the city of Elizabeth. Now, from the standpoint of the nuisance that this would create, I want to say that these barges would pass through Staten Island Sound within 300 feet of the principal manufacturing center of the city of Elizabeth, where there are probably 25,000 men and women employed. The Singer Manufacturing Co.'s plant employing 9,000 people, would undoubtedly be effected by it, not so much from the navigation standpoint, because I am not familiar with that, but because those barges in passing so close to the windows and doors would undoubtedly fill the factories with odors. The S. L. Moore Sons Corporation, of Elizabeth, have recently spent over $2,000,000 in marine machine shops and a shipbuilding yard, and they are very strongly in favor of the passage of this bill, so that these channels shall not be impeded any more than possible by unnecessary tonnage going through there in the way of these particular barges.

You can not realize, gentlemen, unless you go there, as I heard suggested earlier in the hearing, just what the deteriorating effect the passage of these barges, at least 300 feet from the shore, carrying this refuse, would mean to the shore above the city of Elizabeth, where not only 20,000 people are employed in the factories, but to the congested district and the poor section of the town, where the people live right around the factories.

The CHAIRMAN. How could you get garbage out of a city if you did not carry it within 300 feet of somebody or building?

Mr. MCMANUS. Nobody is directly affected just like the city of Elizabeth in carrying the garbage all the way down the shore there.

Mr. GREEVE. Are there not some fertilizer plants on the Kill van Kull?

Mr. MCMANUS. I believe there are some down at the other end near the Raritan Bay.

Mr. GALLAGHER. How far is the Jersey shore lined with them there?

Mr. HULBERT. How far is it from Elizabeth to Chrome?

Mr. MCMANUS. About 1 mile or a mile and a half along the water front.

Mr. HULBERT. How many fertilizer plants are there at Chrome and Carteret on the Jersey shore?

Mr. MCMANUS. Approximately speaking, there may be a half a dozen of them along there.

Mr. HULBERT. They are within 1 mile of the city of Elizabeth, are they not?

Mr. MCMANUS. They are within a mile and a half of the city of Elizabeth.

Mr. GREVE. How about the oil refineries?

Mr. MCMANUS. They are within about 2 miles of the city of Elizabeth, but out in another section. The Standard Oil Co. originally abutted the Staten Island Sound, but as regards the city of Elizabeth we have not had any trouble within the last five years from that source.

Mr. GALLAGHER. This does not affect the health of the city?

Mr. HULBERT. There is no question of nuisance involved here.

The CHAIRMAN. We have nothing now to do with the question of nuisance.

Mr. HULBERT. The question here is one of navigation.

Mr. MCMANUS. Then, gentlemen, all I can say is that the city of Elizabeth and its administration, its board of trade and chamber of commerce, its manufacturers and people favor the passage of this particular bill, because it will prevent the unnecessary impeding of navigation and because garbage can be disposed of, as I believe has been proven to our officials, locally by means of these incinerator plants as explained by the Staten Island representatives.

Mr. HULBERT. Do you believe the supplying of materials necessary to carry on the business of those establishments manufacturing fertilizer at Chrome and Carteret is a necessary menace to navigation on the Kill van Kull?

Mr. MCMANUS. I do not know.

Mr. HULBERT. Does your Chamber of Commerce favor the restriction of navigation in the Kill van Kull to the exclusion of the use of barges for the purpose of transporting the necessary merchandise out of which fertilizer is made by those concerns on the Jersey side of the Kill van Kull at Chrome and Carteret?

Mr. MCMANUS. No; not necessary merchandise; but unnecessary merchandise we most heartily object to.

Mr. GALLAGHER. Are not these reduction plants producing valuable merchandise?

Mr. MCMANUS. They may be producing valuable merchandise, but there is absolutely no necessity for them producing this valuable merchandise at a point where it is going to hinder and hurt the health, and, I might say, be a very great nuisance, in carrying that merchandise through that great area.

Mr. GALLAGHER. Is not that more your complaint than the question of navigation?

Mr. MCMANUS. In the city of Elizabeth we have not considered navigation. We have just considered it from the standpoint of health, principally.

Mr. GALLAGHER. But you are basing your argument on the obstruction to navigation?

Mr. HULBERT. Would you be satisfied if, by the passage of this law, we cut off the right of the fertilizer establishments in New Jersey to secure the necessary products to carry on their business?

Mr. McMANUS. I do not know. Personally, I would not care.

Mr. HULBERT. But you are speaking now for the Chamber of Commerce of Elizabeth, I take it?

Mr. McMANUS. No; I would not say we would.

Mr. HULBERT. You are interested in improving the health conditions of the people in New Jersey, are you not?

Mr. McMANUS. Exactly.

Mr. HULBERT. If the passage of this bill will make it impossible for those fertilizer plants in New Jersey to continue, would you be in favor of this bill on that ground?

Mr. McMANUS. No; I would not be in favor of the bill on that particular ground.

Mr. HULBERT. In other words, you are more interested in the health question of Staten Island than you are over in New Jersey?

Mr. McMANUS. I am interested in the health and welfare of the people of the city of Elizabeth along the Sound where these barges would pass.

I thank you, gentlemen.

(The committee thereupon took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

Mr. SMALL. Gentlemen, the chairman of the committee, Mr. Sparkman, will not be with us this afternoon, as he is not very well, and on the advice of his physician has gone to his room. He has asked me to proceed in his absence. Before we proceed I would like to ask the gentlemen who present this matter to the committee to confine themselves to the material phases as far as they can.

Mr. ULLMAN. Mr. Chairman, we will try to do that and will try to be as brief as possible. We have five witnesses, but, of course, we do not want to keep you any longer than is absolutely necessary.

Mr. SMALL. The disposition of the committee is not to limit you arbitrarily.

Mr. ULLMAN. We will respect the wishes of the committee. The next speaker for the proposed bill was Mr. Hugh Lynch, secretary of the Perth Amboy Board of Trade, but as he is not here just now I will call on Mr. Charles L. Morgan, of the Elizabeth Board of Trade.

STATEMENT OF MR. CHARLES L. MORGAN, OF THE ELIZABETH BOARD OF TRADE.

Mr. MORGAN. Mr. Chairman and gentlemen. I have the honor to represent the people of New Jeresy in the house of assembly. I came here princially to tell you of the interest the people of the city of Elizabeth have in this bill. As it has already been discussed this morning, I personally think that perhaps it is too sweeping and drastic in its provisions; but what we do want this committee to feel is that the city of Elizabeth, especially, lying along the Staten Island Sound, has a real interest in the subject of navigation of that waterway. I am sure they express through me their confidence in the investigation that this committee will make, which is one of the most important committees of the House, and I simply want to have it

put in the record that the people of Elizabeth are represented here, and are alive to the situation, and that they trust that this committee, after due and careful consideration of the present navigation, and of the tonnage that is proposed to be brought upon that stream, especially in view of the fact that the stream is so narrow between the city of Elizabeth and Staten Island, and in view of the fact that it is perhaps unnecessary—of course, this I do not affirm at all, and I say that that should be left entirely to the investigation of the committee, but what I want the committee to feel is that the citizens of Elizabeth and of Union County and of the State of New Jersey are very much interested in this proposition and in this problem.

It is not only a feeling of being a good neighbor to the citizens of Staten Island whom this project primarily affects, but also protecting our own shipping, and I believe I voice the sentiment of the people of my community and of my State in saying we have the utmost confidence in this committee and in the fact that it will devise some means so that it will not seriously interfere with the present crowded condition of the tonnage passing through the channel between Elizabeth and Staten Island.

I thank you.

Mr. BOOHER. I would like to ask you just one question. On the New Jersey side of Staten Island Sound there are a great many fertilizer plants, are there not?

Mr. MORGAN. Yes, sir; I think so.

Mr. BOOHER. If this bill becomes a law, how will they get their material?

Mr. MORGAN. I do not know anything about that and that is just the reason I try to confine my remarks to this investigation. I have also served on committees having to do with affairs in New Jersey, and I realize, perhaps, better than others who have not served on committees, the propositions and the problems the committee must solve.

Mr. BOOHER. Are not the things mentioned in this bill as being likely to obstruct that channel just such things as these fertilizer plants utilize?

Mr. MORGAN. I am not familiar with that and I could not say.

Mr. GREVE. Mr. Chairman, may I ask a question?

Mr. SMALL. Certainly.

Mr. GREVE. Are you in favor of any bill that will prohibit any fertilizer plant from getting materials?

Mr. MORGAN. As I understand it, that is not the issue.

Mr. GREVE. Oh, yes.

Mr. MORGAN. I am simply saying this: I want the committee to understand that the citizens of New Jersey, and particularly that portion of New Jersey represented by Elizabeth, are very much alive and awake to this situation, and we do not want to forfeit our rights, nor do we want the committee to suppose we are going to be in laches by not appearing and impressing upon the committee the very fact we hope that no matter what the outcome is, this committee will use its utmost endeavors to see that no harm comes to the shipping through that narrow waterway. I do not say you should do this or

that or the other thing. I simply say this is an important subject, and it behooves the committee to go into it very carefully. It is of more moment, it seems to me, than the mere fact that New York City is simply going to establish a disposal plant on the shores of Staten Island, because, while that may be a nuisance to New Jersey or it may not be, we are in a position we can not do anything about that just now; but what we do want to say is that we want to have our day in court and put into the record what we want and we know this committee will give this matter very great consideration, because it is going to affect not only New York and its garbage-disposal plant but it is going to affect the great State of New Jersey, which I have the pleasure of representing.

Mr. ULLMAN. I will now call on Mr. Lynch, secretary of the Perth Amboy Board of Trade.

STATEMENT OF MR. HUGH LYNCH, SECRETARY OF THE PERTH AMBOY BOARD OF TRADE.

Mr. LYNCH. Mr. Chairman and gentlemen of the committee, I will just say a very few words, because I believe Congressman Small has summarized this entire situation so that it is thoroughly understood by everybody. I believe the chairman has a telegram showing that I represent 8 or 10 large industrial enterprises located in and around Perth Amboy. Now, their interest in this matter is because the counsel for the contractors have made the statement at a public hearing that in the event of congestion, through ice packs or otherwise, through the Kill van Kull, these scows will be brought around the outside route, as we call it, up a circuitous channel past Perth Amboy, which is south of the proposed disposal plant. The concerns I represent, specifically by their own initiative, as well as the Perth Amboy Board of Trade, operate vessels of all kinds, a great many of them deep-draft vessels, bringing in commodities like copper and asphalt from South America and Mexico. They have already experienced difficulties in landing their vessels because of the congestion through this circuitous channel and because of unfavorable tides, fogs, etc.

Now, it is quite reasonable to suppose that they will have further trouble if these scows, with long tow lines and tugs, are brought through there. We have also had trouble from the bridge up above, because a great deal of traffic goes both north and south from Perth Amboy. Perth Amboy is quite a seaport. Probably from 10 to 20 per cent of the commerce of Staten Island Sound docks at Perth Amboy. We believe that some measures should be taken, and I believe that those that I represent are in accord with the suggestion made by Congressman Small, that a conference be held with the Secretary of War and that he be given authority to restrict traffic which, in his judgment, should be restricted through this channel. Staten Island Sound is rapidly becoming a deep-draft stream similar to the Ambrose Channel. It is being deepened, and the time will come when the flat-bottomed traffic through there must be restricted, it seems to me this is the time to give it close study, and to give the Secretary of War jurisdiction similar to that which he has over Ambrose Channel. I thank you.

STEPHEN M. SPARKMAN,
Chairman of the Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

We, the undersigned manufacturers, representing 40,000 employees and families living adjacent to the banks of Staten Island Sound, respectfully request your earnest efforts in passing House bill 16893, by Mr. Riordan. We are sending Hugh Lynch, secretary of the Perth Amboy Board of Trade, to represent the manufacturers in this district who are deeply interested in the passage of this bill.

BAEKELITE CO.
PERTH AMBOY CHEMICAL CO.
RARITAN COPPER WORKS.
ROESSLER & HASSLACHER CHEMICAL CO.
STANDARD UNDERGROUND CABLE CO.
UNITED LEAD CO.

Mr. ULLMAN. Mr. Chairman, I now introduce Mr. A. B. Pouch, president of the American Dock Terminal Co., which I believe, is the second largest terminal company in the harbor of New York.

STATEMENT OF MR. A. B. POUCH, PRESIDENT OF THE AMERICAN DOCK TERMINAL CO., OF NEW YORK.

Mr. POUCH. Mr. Chairman and gentlemen, there are only two points which I wish to bring to your attention: The first, is the congestion in the port of New York, and the second is that some measure, similar to this bill, should be taken for the regulation of the traffic through the navigable waters in and around New York. Statistics show that the port of New York handles more than half of the commerce of the entire United States. When that is realized, and when it is realized that it is confined in such a small area, the difficulty will be appreciated. Great congestion existed prior to the war, and, of course, the abnormal conditions that have prevailed since the war are something that might not be repeated again; but, taking the period of 15 years prior to the war, the commerce of the port of New York alone increased 130 per cent, whereas the wharf facilities have only increased 20 per cent. That has necessitated many vessels lying at anchor in and about the streams of New York Harbor waiting for an opportunity to load or discharge their cargoes, all of which tends to congest the harbor.

Seventy-five per cent of all the tonnage of the Borough of Brooklyn at the piers along that shore, extending from Brooklyn Bridge down to Bay Ridge, a distance of probably 3 or 4 miles—75 per cent of all that tonnage there is transported by railroad floats or lighters across the harbor to the Jersey shore. That is another cause for the congestion. We have frequent examples of accidents. One of the gentlemen here this morning—I do not recall who it was—spoke of an accident that occurred last Saturday, when a barge or scow ran into an excursion boat. Fortunately, only six people were killed, but that was six too many. We have other examples of the vindictiveness, if you want to put it that way, of the captain of any sort of small tugboat dominating with his right of way in opposition to some enormous vessel. When the steamer *Emperador* first arrived here she was kept out of a dock in the North River because the captain of some scow or tugboat would not give way. That forced the *Emperador* to dock over at New York City, and she almost drove her stern into the Waldorf Astoria. The second time she arrived that was repeated, although they had a dozen tugs there to protect her.

Those are only a few examples of the congestion that exists. The Government has been very strict in trying to prevent people from building wharves, docks, and other obstructions that might encroach upon the waterways. They have restricted New York City in the building of piers out in the North River, because it is only 2,500 or 2,800 feet wide there, and they have restricted them from building piers out on Staten Island Sound, because it is only 8,000 feet across from Staten Island to Brooklyn. Yet this little 400-foot channel, when it is completed to 25 feet in depth, is to be congested. That channel was provided to take care of the overflow business, or the congestion that I spoke of in other parts of the harbor.

Staten Island there around Kill Van Kull, with the exception of a few small pieces, is one large tract that has not been built up within the confines of New York Harbor. Therefore, this congestion that I spoke of—and everybody knows it is a congestion—or a considerable part of it, will be forced up through the Kill Van Kull to new localities where they can get cheaper land and much of it on which to build docks. Now, if that waterway is not regulated or is not restricted in some effective way, the money that the Government has spent in deepening the channel to take care of those vessels will be of no benefit. There are many vessels that go through there today of from 8,000 to 10,000 tons—vessels 400 feet long, drawing from 22 to 25 feet. They go through at high tide now, or through that portion which has not yet been dredged to the full depth. Therefore, there is a necessity, I believe, for the regulation of that traffic, just as there is a necessity for the regulation of traffic in cities. For example, the Government has seen fit to clothe the Secretary of War with authority to regulate the use of Ambrose Channel. Garbage scows are not allowed to go down Ambrose Channel and run the chance of colliding with some of those vessels of enormous tonnage using that channel. Half of the tonnage of the United States comes through Ambrose Channel.

Mr. BOOHER. Would it be satisfactory to you and to the people you represent to pass this bill with an amendment giving the Secretary of War authority to regulate the use of this channel just as he has power to regulate the use of Ambrose Channel?

Mr. POUCH. I think that would be a very proper way to do it.

Mr. BOOHER. That would be satisfactory to the people you represent?

Mr. POUCH. It would be to me; yes, sir. Now, the Government has spent this money, or is spending money, for the deepening of this channel through Kill Van Kull, and there may be some question as to whether a few garbage scows will be an interference with navigation or not. We would not like to go back to the days when we had no traffic regulations upon our streets and when a truck could go up any street on the right-hand side or left-hand side or in any other way that the truck driver might prefer. We have had to have restrictions on street traffic.

Mr. KENNEDY. But you do not cut the traffic absolutely out.

Mr. POUCH. We do absolutely in the parks.

Mr. KENNEDY. I understand that; but this bill would absolutely prohibit the use of the channel by these barges.

Mr. HULBERT. You have one-way streets in New York and Philadelphia?

Mr. POUCH. Yes, sir.

Mr. HULBERT. And you have others on which the traffic is limited?

Mr. POUCH. Yes, sir.

Mr. KENNEDY. Do you know of any street where traffic can not go at all?

Mr. POUCH. In the parks.

Mr. KENNEDY. Parks are a different proposition.

Mr. HULBERT. It would be possible to make a one-way waterway out of the Kill Van Kull; that is, you might go in one way and come out another.

Mr. POUCH. You could not do that, because there is no appropriation to continue that 25-foot channel out through Raritan Bay to connect with Ambrose Channel.

Mr. HULBERT. One could be made, though.

Mr. POUCH. Yes, sir; but I do not believe the Government will expend that much money to accommodate a few garbage scows. That channel or waterway is intended to provide for the increased commerce of the port and not to take care of garbage scows.

Mr. GREVE. I understood you to say that you were in favor of prohibiting all scows from coming through Kill Van Kull. That is what the Ambrose Channel restriction means. It means that no scow that is not propelled under its own steam can go through.

Mr. POUCH. That would be in the discretion of the Secretary of War.

Mr. GREVE. I understood you to say that you were in favor of that?

Mr. POUCH. I am in favor of having the use of the channel restricted by the Secretary of War.

Mr. GREVE. You would prohibit its use by any scow?

Mr. POUCH. At his discretion, if it was necessary to restrict it. If it were necessary to permit its use by commercial scows carrying commercial business, and to bar garbage scows, it would be proper to do so.

Mr. HULBERT. Do you believe that it would be possible to classify the commerce passing through Kill Van Kull with regard to its commercial importance?

Mr. POUCH. Yes, sir; absolutely. You would hardly call this commerce, because these scows are open boats. The disposition of the product after they got through rendering it might be called commerce.

Mr. HULBERT. In that event the garbage taken down there would be classified as raw material.

Mr. POUCH. It would be very raw.

Mr. GREVE. Do you know whether those boats will be open or not?

Mr. POUCH. I have not seen any of them.

Mr. ULLMAN. Mr. Chairman, the next speaker is Mr. Francis Leman, of the Staten Island Civic League.

STATEMENT OF MR. FRANCIS LEMAN, REPRESENTING THE STATEN ISLAND CIVIC LEAGUE, NEW YORK, N. Y.

Mr. LEMAN. Mr. Chairman and gentlemen of the committee, I think the subject has been so very thoroughly exhausted by the previous speakers in its presentation to you that there is very little left for me to say. I have been in this so-called contest, as counsel

know, from its very initiation, and I have considered it from every phase and angle. I do not think there is any question of greater importance than the one that has been presented to you gentlemen to-day, and that is the question of navigation, or the question of the impeding of navigation. In the first place, we must realize the magnitude of this contract and what is proposed to be done, not only at the present time, but what is contemplated for the future. That is something which you gentlemen must also, I think, take into consideration. The question was asked here this morning as to how many scows it is proposed to use in the transportation and the collection of garbage from the three boroughs of the greater city; that is, the Boroughs of Manhattan, Brooklyn, and The Bronx. At the present time, as we know, there are in the neighborhood of 5,000,000 people there, and the present contract calls for not less than 2,000 tons daily, that being the capacity of this disposal plant. Then, as the population increases, necessarily the quantity of garbage will increase. I am informed that each one of those scows will carry out 300 tons of material, and that would necessitate in the neighborhood of from 7 to 8 scows at the present time, going and returning.

This garbage is collected and not carried down, as I am informed, in a combination of scows going and returning at the same time, but it is collected from various dumps, 22 in all, in different parts of those three boroughs. Each one is taken down separately from those dumps, and each one has a tow boat to take it. In other words, they are accumulating the number of scows in the procession which goes down, and then they are emptied and returned, which duplicates the number of scows mentioned here this morning as approximately the number that would be used.

Mr. KENNEDY. Then you do not think they are going to fill the scows but are going to take what they have and dump it?

Mr. LEMAN. Under the authority given to the street cleaning department of the three boroughs—which is right, no doubt, in order to protect health—in warm weather, when there is danger of putrefaction in the material that is being collected, the commissioner has the right to order those scows to be taken away, so that it does not necessarily follow that they will at all times be filled. Unquestionably, aside from the sentimental or health proposition, which was brought up this morning and which is not pertinent to this question, the transportation of those scows when half filled, or returning empty, is probably worse than going. But that is not germane to this.

Mr. KENNEDY. Would not they be more likely to go to a landing and take a number of those boats wholly filled rather than to take them half filled or only a third filled?

Mr. LEMAN. They may possibly take a few together, but these dump wharves are scattered throughout the city. There are 12 in the Borough of Manhattan, 6 in the Borough of Brooklyn, and 4 in the Borough of The Bronx. They are scattered along the East and Hudson Rivers. In addition to that, the contractors are permitted to add 2 more, which would make 24 altogether. Now, that is the quantity of the material, and if you can consider the magnitude of the plant itself which is going to accommodate all of this it would seem that it would convince any reasonable person that it

would necessarily have to be more than an ordinary plant—that is, a plant that is going to consume that quantity of garbage. It will have 225 units, each one of those units having a capacity of 56 gallons of gasoline or 2,800 gallons of gasoline, making 630,000 gallons of gasoline to be used as a solvent for separating the grease from the raw product.

Mr. KENNEDY. How long a haul will this be?

Mr. LEMAN. I presume in some instances 16, 17, 18, or 20 miles through the harbors and through the rivers, and then down through this stream, which is limited, particularly when it reaches Staten Island Sound.

Mr. KENNEDY. Do you not think that under those circumstances they would be more than likely to load the scows to full capacity—that is, if this is congested territory and territory through which it is hard to get?

Mr. LEMAN. For economy in their own operations I have no doubt about their desire to do that, but if the commissioner of street cleaning of the Boroughs of Manhattan, Brooklyn, and The Bronx fulfills the functions of his office he will direct those scows to be taken away if the weather is such that before they can be filled they might become a menace to the health of the people and breed flies, etc.

Mr. RIORDAN. The garbage and ashes are separate in New York, under an ordinance, and they are collected in the different parts of New York practically at the same time, and the material goes to the nearest dumping wharf. The garbage at One hundred and twenty-fifth Street, for example, is collected in the morning and the garbage down at the Battery is collected in the morning. The garbage collected at the Battery, for example, will be taken to the Market Street dump and the garbage collected at One hundred and twenty-fifth Street taken to the One hundred and twenty-fifth Street dump. But they could not have one scow in two places at the same time, although the garbage and ashes are being collected at the same time.

Mr. COSTELLO. As I see it at this time, this corporation is supposed to have a scow to receive this garbage at all times when there is garbage to be received. Now, if it becomes obnoxious before the scow is loaded your commissioner has the right to order that scow to the incinerating plant and have the one taken away replaced by another scow. That is about the proposition.

Mr. ULLMAN. That is the idea; yes, sir.

Mr. KENNEDY. In that case a tug could draw three or four at one time, could it not?

Mr. LEMAN. I should think it could, but in doing so it would impede navigation to a greater extent than by taking one. If a tug should tow three or four, it would have a tendency to impede the navigability of such a narrow stream as we have been talking about. As you know, that stream runs between the States of New Jersey and New York, and the Constitution gives Congress the power, in the interest of interstate commerce, to regulate and prevent obstructions in a navigable stream and to cause the removal of anything that will impede navigation.

Mr. KENNEDY. But this is commerce.

Mr. LEMAN. It is commerce, probably, to this extent: That it is for the purpose of deriving a commercial product out of it, but, as

was stated this morning, it is not a necessity such as are other legitimate lines of commerce conducted in these waters.

Mr. KENNEDY. I do not see why.

Mr. LEMAN. Because there are means of disposing of that without the necessity of transporting it.

Mr. KENNEDY. That would be the case in any line of commerce. They might go to work and establish a plant where the raw material was and thus obviate the necessity of transporting the raw material.

Mr. LEMAN. Very true; I concede you that, sir, but I do say this: That where a congested situation exists, as it does to-day, as we have been told, and there are limits to the navigable capacity of that narrow stream, not only the present amount of navigation must be considered, as far as the transportation of these scows is concerned, but also future navigation, because I predict, and I do it upon very good premises, that within four years from now there will be other plants located at the same site, and that as soon as the contract has expired with the contractors who are now rendering dead animals on Barren Island, and believing that the same influences which are working to get the garbage plant away from there now will operate to get away the dead animal rendering plant, will endeavor to have that plant carried down to Staten Island and thus increase the amount of transportation through those Kills in that character of vessels.

Mr. COSTELLO. Have not the authorities of Staten Island the power to prohibit the erection of obnoxious industries?

Mr. LEMAN. I will anwer that by stating that the charter of the city of New York does guarantee us a certain amount of home rule or borough autonomy. We have the right, but we have not the power, for the simple reason that the board of estimate and apportionment controls that power. The president of the Borough of Richmond has the same power to-day, under the charter, as has the commissioner of street cleaning of the three boroughs. In fact, that was conceded by the counsel for the city. However, if the president of the Borough of Richmond desires to enter into a contract for the disposition of the garbage, refuse, and filth of the Borough of Richmond, and that contract contemplates depositing it in one of the other boroughs, he must get the approval of the board of estimate and apportionment. Under the charter he has the right to do it, but he must get that approval. However, we have only 3 votes against 16, so that we have the right, but not the power.

Mr. COSTELLO. The people who have the power want to have this left here?

Mr. LEMAN. Exactly.

Mr. COSTELLO. And you want to abrogate that power by restricting their means of getting it there?

Mr. LEMAN. We want to do that, sir. And I maintain that in doing it we are doing something which will be of great benefit to transportation through our narrow rivers.

Mr. COSTELLO. You also hold that there are means by which this material could be disposed of at the places where it originates?

Mr. LEMAN. Yes, sir.

Mr. COSTELLO. And you figure that you are not being justly dealt with by having this pushed over onto your community?

Mr. LEMAN. That is unquestionably true. At the same time there is the other feature of it which has been brought to your attention to-day, namely, that the State of New Jersey is also aroused to this situation, and that their commerce and their traffic will be interfered with in these narrow waterways where the navigable capacity is limited.

Mr. BOOHER. You talk about Kill Van Kull. Are Kill Van Kull and Fresh Kills the same?

Mr. LEMAN. No, sir.

Mr. BOOHER. The Fresh Kills River is a great deal narrower than Staten Island Sound?

Mr. LEMAN. Yes; it is narrower.

Mr. BOOHER. About what is the width of the Kills where they leave Staten Island and go down to this plant?

Mr. LEMAN. You mean the Fresh Kills River?

Mr. BOOHER. Yes.

Mr. LEMAN. On one branch of it there is an island right in the mouth, and at one entrance, to the south, I should say it is about 75 feet wide, and at the other it is between 200 and 300 feet.

Mr. BOOHER. Take the entrance to the Fresh Kills from Staten Island Sound. What is the width there?

Mr. LEMAN. There are two entrances to it.

Mr. BOOHER. I want this one on Staten Island.

Mr. ULLMAN. Where the turning basin is?

Mr. BOOHER. Yes.

Mr. ULLMAN. About 400 feet.

Mr. BOOHER. What about the one north of that?

Mr. LEMAN. Not much more than 75 feet.

Mr. BOOHER. Where is the greatest congestion, in Staten Island Sound or in the Fresh Kills?

Mr. LEMAN. In the Fresh Kills there is none at all. That is the stream which these contractors will almost exclusively take possession of in the operation of their scows. That is nothing more than a creek, so to speak, except that it is expanded by the tides. The depth there is not much more than from 8 to 12 feet. I might say, sir, that it is only during the winter months that a few oyster boats, sloops, use this stream known as the Fresh Kills. Now, it is within the power of this committee to regulate the harbor of New York, as has been done in the past, and as it is the chief commercial city of the country every consideration should be given to this question. I want to say that in the contract it is provided that in addition to these scows the contractors must provide small row boats to accompany the scows in order to pick up whatever refuse material may be washed overboard, and that again adds to the general congestion.

Mr. BOOHER. There is not much commerce on this stream known as the Fresh Kills?

Mr. LEMAN. There is no commerce at all.

Mr. BOOHER. And you are not complaining about a congestion there?

Mr. LEMAN. No; but, as I say, they will monopolize that to the exclusion of everything else.

Mr. GREVE. What does the Borough of Richmond do now with the dead horses, dead cats and dogs?

Mr. LEMAN. The city of New York provides for them.

Mr. GREVE. The Borough of Brooklyn?

Mr. LEMAN. They go, I presume, to Barren Island.

Mr. GREVE. And that is in the Borough of Brooklyn. I presume there is no objection to that.

Mr. LEMAN. I can answer that by saying that transportation down to Barren Island is no comparison to what the transportation will be through Kill van Kull and up this narrow stream. They go through the narrows, two or three miles wide, and there is no interference with navigation through there at all. They have been restricted wholly in the direction of the Ambrose Channel.

Mr. ULLMAN. Monsignor Cassidy, representing the clergy of Staten Island, will speak a few words.

STATEMENT OF MONSIGNOR CHARLES A. CASSIDY.

Monsignor CASSIDY. Mr. Chairman and gentlemen, I certainly can not say anything that is pertinent to this, except that I may be considered as a pilot, not necessarily a water pilot, but a sky pilot. I suppose the intention of the delegation in bringing me here was to see that they adhered to the water part of this affair. I shall not take much of your time. I feel that Congressman Riordan stole all my thunder. He put the situation before you so nicely and so clearly. It was getting at that time into the depths of despair and I was afraid of things, but he so nicely and diplomatically lifted them up, called them forth from the depths. As Mr. Ullman said, Mr. Chairman, I am here representing the churches of Staten Island. I not only represent the churches, but I represent the synagogues, as Mr. Leman will testify. I wish to say that we are all united in this borough of 100,000 people on the question of keeping this garbage from the kills. The people there feel that New York should take care of its waste matter in its own borough, just as Richmond is doing, with the exception of the dead animals which Manhattan kindly allows us to dump on Barren Island. So I merely wish to enter the protest of our people against a continuation of this thing, and that is all I care to say. I thank you kindly.

Mr. ULLMAN. Mr. Chairman, there is just one word that I would like to say. Our speakers are all exhausted and I presume you are, too. I believe this committee should have every means available in in order to pass on this question one way or the other, and in order to help the committee, if I may use that word, I would like to introduce as a part of the record a copy of the contract and specifications for the final disposition of garbage in the Boroughs of Manhattan, The Bronx, and Brooklyn for a period of five years, commencing January 2, 1917. With those few remarks I wish to thank you gentlemen, and we conclude.

Mr. SMALL. How long is that? Is it bulky?

Mr. ULLMAN. Not very, sir; there are about 18 pages.

Mr. SMALL. Typewritten or printed?

Mr. ULLMAN. Printed. It is one of their copies.

Mr. SMALL. Do you think that is material to the consideration of this matter?

Mr. ULLMAN. I do, for a general study of the question bearing on the points raised here.

Mr. LEMAN. It is also possible to obtain from that the quantity of material that is to be carried from year to year.

Mr. HULBERT. I move that it be printed as a part of the record.

Mr. SMALL. Without objection, it will be printed as a part of the record.

(Signed contract and specifications follow:)

[Form No. 1. Department of street cleaning of the city of New York.]

CONTRACT AND SPECIFICATIONS FOR THE FINAL DISPOSITION OF GARBAGE FROM THE BOROUGHS OF MANHATTAN, THE BRONX, AND BROOKLYN FOR A PERIOD OF FIVE YEARS, COMMENCING JANUARY 2, 1917.

Proposal for bids or estimates for a contract, pursuant to section 544 of the Greater New York charter, for the final disposition of garbage from the Boroughs of Manhattan, the Bronx, and Brooklyn, of the city of New York, for a period of five years, commencing January 2, 1917.

To contractors:

1. Sealed bids or estimates for the above contract, indorsed with the above title, also with the name of the person or persons making the same, and the date of presentation and a statement of the work to which it relates, will be received at the main office of the department of street cleaning until ——— o'clock, ——— m., of ——— day, the ——— day of ———, 191——, at which time and place the bids will be publicly opened and read by the head of the said department.

2. The records of the department of street cleaning show that the amount of garbage delivered to the preceding contractors for this work was, in cartloads, approximately as follows:

Year.	Manhattan.	The Bronx.	Brooklyn.	Total.
1907	187,924	24,200	102,360	314,485
1908	195,439	27,839	105,369	328,647
1909	193,438	30,241	108,586	332,265
1910	197,740	34,599	113,725	346,064
1911	172,224	34,795	115,322	322,341
1912	193,049	39,528	118,267	350,844
1913	205,924	46,864	136,055	388,843
1914	211,445	57,211	143,544	412,200
1915 (10 months)	181,612	54,884	135,808	372,304

Garbage D. S. C. and permit received at each dump for each month of the year 1914 (in cartloads).

Month.	Jackson.	East Forty-sixth.	East One hundred and seventh.	Manhattan, East One hundred and thirty-ninth.[1]	Canal.	West Forty-seventh.	West Seventy-ninth.	Total.	The Bronx, East One hundred and thirty-eighth.
January	1,533.50	1,873.50	2,167.00	4,532.00	2,089.75	1,880.50	1,881.75	15,978.00	2,471.75
February	1,121.50	1,528.00	1,731.75	3,984.25	1,636.25	1,368.50	1,889.25	13,259.50	2,094.75
March	1,058.25	1,508.00	1,743.50	4,240.25	1,473.00	1,435.50	2,134.50	13,593.00	2,430.00
April	2,070.00	1,978.00	2,387.25	4,773.50	1,587.75	1,777.75	2,236.25	16,810.50	2,395.75
May	2,694.50	2,363.50	3,622.25	5,339.75	1,920.00	2,078.50	2,354.00	20,372.50	3,218.00
June	3,646.25	2,627.50	4,253.25	5,527.00	2,226.25	2,167.00	2,343.50	22,790.75	3,934.50
July	3,893.25	2,577.75	4,329.25	5,592.75	2,263.25	2,157.50	2,217.25	23,031.00	3,870.25
August	3,760.50	2,762.25	4,408.50	5,953.00	2,165.75	2,223.00	2,345.25	23,618.25	4,270.00
September	2,983.00	2,510.25	3,928.75	5,961.00	1,933.00	2,082.00	2,544.25	21,942.25	4,223.50
October	2,863.25	2,447.75	3,864.25	5,639.00	1,913.00	2,085.00	2,790.25	21,602.50	4,197.75
November	2,290.25	2,094.25	3,096.50	6,301.00	1,632.00	1,791.75	2,466.50	19,672.25	2,187.50
December	1,785.75	1,803.75	2,491.25	5,258.00	1,625.00	1,686.25	2,472.00	17,125.00	3,267.50
Total	29,720.00	26,074.50	38,026.50	63,101.50	22,465.00	22,733.25	27,674.75	229,795.50	38,861.25

[1] Part of Bronx garbage delivered at this dump.

NOTE.—Cartloads in The Bronx carry 1.5 cubic yards water measure and weigh approximately 1,750 pounds. Cartloads in Manhattan and Brooklyn, except during the snow season, carry 2 cubic yards and weigh approximately 2,330 pounds; during snow season they carry and weigh the same as those of The Bronx.

Garbage D. S. C. and permit received at each dump for each month of the year 1914 (in carloads)—Continued.

BROOKLYN.

Month.	Sixth Street.	Washington Avenue.	Coney Island.	Total.
	Loads.	*Loads.*	*Loads.*	*Loads.*
January	3,292.50	5,556.25	.....	8,848.75
February	2,844.75	4,888.00	.....	7,732.75
March	3,091.00	4,915.00	.....	8,006.00
April	3,428.75	5,867.50	.....	9,296.25
May	3,711.50	7,961.00	652.00	12,324.50
June	4,261.75	9,347.75	1,077.00	14,686.50
July	4,365.50	9,343.25	1,459.25	15,168.00
August	4,812.00	10,433.75	1,629.00	16,874.75
September	4,566.25	9,179.75	1,145.25	14,891.25
October	4,272.00	8,672.00	717.25	13,661.25
November	3,987.25	7,207.00	195.00	11,389.25
December	4,055.00	6,610.00	.....	10,665.00
Total	46,688.25	89,981.25	6,874.75	143,544.25

3. The purpose of this contract is to provide for the reception, transportation, and final disposition of all the garbage collected by the carts and vehicles of the department of street cleaning, from any source, in the Boroughs of Manhattan, the Bronx, and Brooklyn, which the city agrees to deliver at the dumps herein described or hereafter to be provided, and also to receive, transport, and dispose of all the garbage delivered at the dumps by private carts or vehicles, the owners of which have received authority from the said department of street cleaning to use the dumps.

4. This contract shall begin January 2, 1917, and continue in operation for a period of five years from said date.

5. The contractor's plant and equipment shall be capable of receiving, transporting, treating, and finally disposing of the maximum daily quantity of garbage delivered the the dumps, but in no case shall the capacity be less than 2,000 tons per day.

6. The amount of the bond required is $200,000.

7. Permission will not be granted to withdraw any bid or estimate which has been submitted.

8. No bid will be accepted from or contract awarded to any person who is in arrears to the city of New York upon debt or contract, or who is a defaulter as surety or otherwise upon any obligation to the city of New York.

9. The person or persons making a bid or estimate shall furnish the same in a sealed envelope, indorsed with the title given above, of the work for which the bid or estimate is made, with his or their name or names and the date of presentation, to the head of said department at the said office, on or before the date and hour above named.

10. Each bid or estimate shall contain the name and place of residence of the person or persons making the same, the names of all persons interested with him or them therein, and if no other person be so interested it shall distinctly state that fact; also that it is made without any connection with any other person making a bid or estimate for the same purpose, and is in all respects fair and without collusion or fraud; and that no member of the board of aldermen, head of department, chief of a bureau, deputy thereof or clerk therein, or other officer of the city of New York is, shall be, or become interested, directly or indirectly, as contracting party, partner, stockholder, surety, or otherwise, in or in the performance of the contract, work, or business to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified, by the oath in writing, of the party making the same that the several matters stated therein are in all respects true.

11. The contractor will be required to deposit the sum of $50,000, in cash or corporate stock or certificates of indebtedness of any nature, issued by the city of New York, which the comptroller shall approve as of equal value, with the comptroller of the city of New York before the signing, sealing, and delivery of the contract; and this amount, or the unencumbered portion thereof, shall be returned to the contractor without interest, as follows: On January 2, 1918, the sum of $10,000; on January 2, 1919, the sum of $10,000; on January 2, 1920, the sum of $10,000; on January 2, 1921, the sum of $10,000; on January 2, 1922, the balance, if any. If securities are deposited instead of cash, the equivalent in securities shall be returned on said dates.

12. No bid or estimate will be considered unless it is accompanied by a certified check upon one of the State or National banks of the city of New York, drawn to the order of the comptroller, or money or corporate stock or certificates of indebtedness of any nature issued by the city of New York, which the comptroller shall approve as of equal value with the security required, to the amount of $10,000.

13. At the time of opening the bids the person or persons submitting a bid or estimate shall furnish one set of general plans and specifications, setting forth the equipment and methods proposed by the contractor for receiving, transporting, conveying, handling, storing, and treating the garbage and its by-products. In particular, the methods, apparatus, and equipment for the control of nuisances that may arise during the process of treating the material shall be shown, specified, and described in sufficient detail to enable the commissioner to judge of their adequacy and sufficiency, as it is an essential requirement of this contract that neither objectionable odors, noxious gases, nor putrescible liquids shall escape during or after the process of treatment to the extent of constituting a public nuisance.

The plans and specifications shall show and describe the location of the plant or plants which the contractor proposes to use in the performance of the work contemplated in this contract; but said plant or plants shall not be located within the boundaries of the Borough of Manhattan nor within the confines of Jamaica Bay.

No bid or estimate will be considered unless the system or method of disposal proposed for use has been in successful operation in a city of sufficient size to demonstrate in the opinion of the commissioner its probable success in meeting the requirements of this contract.

After the award of the contract, and before beginning work thereunder, the contractor shall furnish to the commissioner a complete set of plans, drawings, and specifications in triplicate, showing in detail the construction of the proposed building, plant, and equipment.

14. The contractor will be required to receive garbage at water-front dumps in each of the Boroughs of Manhattan, the Bronx, and Brooklyn.

The city of New York will furnish not more than 12 water-front dumps in the Borough of Manhattan, not more than 4 water-front dumps in the Borough of the Bronx, and not more than 6 water-front dumps in the Borough of Brooklyn during the term of this contract; in addition, the contractor shall, at his own cost and expense, furnish 1 water-front dump in the Borough of Brooklyn, to be located at a point approved by the commissioner. The location of any of the dumps in any borough may be changed at any time in the discretion of the commissioner.

15. The compensation to be paid by the contractor to the city shall be a sum of money per annum for each year of the contract period; in the bid or estimate each of these sums shall be written in full and shall also be stated in figures, and all garbage, whether more or less than the quantity as hereinbefore estimated, shall be received and disposed of by the contractor without any reduction in the amount of the bid or estimate. The contractor shall pay each and every cost and expense of transportation and of final disposition, however incurred, from the time that the garbage is received at the dumps.

16. Bidders must satisfy themselves by personal examination and investigation, or by such other means as they may select, as to the accuracy of the foregoing estimate of the amount of garbage which has been delivered by the department to the present and past contractors, which is approximate only, and also as to the quantity and quality and nature of the work to be performed and shall not at any time after the submission of a bid or estimate dispute or complain that the statements or estimates herein contained were inaccurate or incorrect, or assert that there was any misunderstanding in regard to the nature or amount of work to be done or of the amount of garbage to be delivered.

17. The commissioner of street cleaning reserves the right to select from the bids or estimates submitted that bid or estimate the acceptance of which will, in his judgment, best secure the efficient performance of the work, or to reject any or all of said bids or estimates.

18. Bidders are requested to make their bids or estimates upon the blank form prepared by the commissioner, a copy of which, with the proper envelope

in which to inclose the bid, together with a copy of the contract, including the specifications, in the form approved by the coporation counsel, can be obtained upon application at the office of the said commissioner, room 1244, Municipal Building, Borough of Manhattan.

J. T. FETHERSTON,
Commissioner of Street Cleaning.

NEW YORK, ———, *191*—.

The city of New York. Department of Street Cleaning. Contract and specifications for the final disposition of garbage from the Boroughs of Manhattan, The Bronx, and Brooklyn, of the city of New York, for a period of five years, commencing January 2, 1917.

This agreement made and entered into this ——— day of ———, in the year 19——, by and between the city of New York, party of the first part, acting by and through the commissioner of street cleaning, and ———, contractor—, party of the second part, pursuant to the provisions of the Greater New York charter:

Witnesseth: That the parties to these presents, each in consideration of the agreements on the part and behalf of the other herein contained, have mutually agreed and hereby mutually agree, the party of the first part for itself and its successors, and the party of the second part for himself, or itself, and his, or its, executors, administrators, assigns, and legal representatives or successors, as follows:

(*a*) Wherever in this contract the term "the city" is used it shall be taken to mean the city of New York, the party of the first part to this contract; wherever the term "commissioner" occurs it shall be understood as applying to the commissioner of street cleaning and to his authorized representative, or any assistant duly appointed by the said commissioner and designated therefor, having general charge of the work, or any assistant having immediate charge of a portion thereof, limited by the particular duties intrusted to him. Wherever the term "contractor" or pronouns referring to the same occurs or occur, the same shall be taken to intend the party or parties, as the case may be, of the second part of this contract.

(*b*) The purpose of this contract is to provide for the reception, transportation, and final disposition of all the garbage collected by the carts and vehicles of the department of street cleaning, from any source, in the Boroughs of Manhattan, The Bronx, and Brooklyn, which the city agrees to deliver at the dumps herein described or hereafter to be provided, and also to receive, transport, and dispose of all of the garbage delivered at said dumps by private carts or vehicles, the owners of which have received authority from the department of street cleaning to use the dumps.

(*c*) This contract shall begin on the 2d day of January, 1917, and continue in operation for five years from said date; it shall expire at midnight on the 1st day of January, 1922.

(*d*) The contractor shall perform the work under this contract so as to comply with all the laws of the State of New York, the Greater New York charter, the code of ordinances of the city of New York, the laws of the United States, and the orders, rules, and regulations of the State board of health and of the department of health of the city of New York, so far as they are or may be in force and relate to the dumping, placing, or final disposition of garbage, so as not to create any obligation, claim, or demand, or to furnish any just ground for any action, suit, or legal proceeding against the city of New York or the department of street cleaning of the city of New York; and he shall do the work hereinbefore mentioned in strict conformity with the following specfications:

SPECIFICATIONS.

1. Whenever the term "garbage" is used in this contract it shall be taken to mean every accumulation of animal, fruit, or vegetable food waste, liquid or otherwise, containing not more that 5 per cent by weight of other refuse, which shall be collected by the carts or vehicles of the department of street cleaning and delivered at the dumps herein mentioned or hereafter to be provided, or by private carts or vehicles duly authorized by the department of street cleaning to use the dumps.

2. The commissioner will endeavor, through the enforcement of laws, ordinances, orders, or oherwise, to keep the amount of extraneous matter below 5 per cent, by weight, of the total monthly deliveries.

3. Wherever the word "dump" or "dumps" is used in this contract it shall be taken to mean the place or places and all buildings, structures, parts, and appurtenances thereof which have been or will be designated for delivery by the city of the garbage to be disposed of under this contract.

4. At each water-front dump, excepting the dump furnished by the contractor, the city will provide one or more dumping boards. The contractor shall, at his own cost and expense, keep the slip under each board furnished by the city, as well as under the board furnished by himself, dredged to a proper depth to permit of the loading and removal of scows at all times. He shall also maintain a depth of water sufficient for said purpose at the unloading points or at moorings or shelter points, at any and every tide, and shall at all times keep the approaches to the water-front dumps and unloading points provided by the city and himself free and clear for the passage of scows. Should it become necessary at any time to raise or remove the dumping boards for the purpose of dredging the adjacent slips, the contractor shall remove and replace the same at his own cost and expense and under the supervision and direction of the commissioner and to his satisfaction.

Should the contractor fail to do the necessary dredging or the work of raising, removing, and replacing the dumping boards when required to do so, the commissioner may do such work and charge the cost and expense thereof to the contractor and deduct the amount thereof from any moneys or securities deposited under this contract, if available. If not available, the contractor shall pay the amount thereof to the city.

5. The contractor shall furnish all the necessary scows and transporting conveyances, including towboats, rowboats for picking up floating materials, stake boats and docking facilities; also all the necessary plant, equipment, and appliances, together with supervision, labor, supplies, and materials required to do the work of receiving, trimming, loading, towing, unloading, and disposing of the garbage delivered at the dumps.

6. The contractor shall, at his own cost and expense, furnish disinfectants or deodorants of a kind satisfactory to the commissioner wherever and whenever and in such quantities as in the judgment of the commissioner may be necessary.

7. As the supervisor of the harbor, under the laws of the United States, has control over all boats and vessels in and about the harbor of New York engaged in the removal and disposition of city refuse about the said harbor, all the requirements of these specifications are made subject to such jurisdiction and control of the supervisor of the harbor; and the contractor is at all times to obtain the necessary permit before any boat or vessel is removed from any dump, and he must fully comply with all other rules and regulations of said officer made in compliance with the law.

8. Instead of depositing garbage directly upon the vessels or transporting conveyances furnished by the contractor, the city may deliver the garbage in covered steel containers, to be furnished at the city's cost and expense; and the contractor shall accept on the scows and vessels and remove said containers to his plant and shall return them on the scows and vessels in good order and condition—reasonable wear and tear excepted—to the dump from which they were originally delivered to him, or to such other dump as the commissioner may direct. The city will furnish all the necessary labor, machinery, and appliances to load the containers on the vessels, but the contractor shall furnish the necessary labor, machinery, and appliances for this purpose at the disposal works.

9. As the department of docks and ferries has exclusive control over all docks, slips, piers, and structures erected thereon, except as otherwise provided by law, the contractor shall not use any portion of the docks or of the slips adjacent to any dump for the purpose of conducting any business or removing any garbage or material other than the garbage required to be removed by the terms of this contract, unless permission in writing therefor is first had and obtained from the said department of docks and ferries.

10. All garbage shall be handled and disposed of at the contractors' plant in such manner as to prevent the emission of offensive odors of any kind, while being handled, treated, or reduced; the process, machinery, and apparatus shall be thoroughly sanitary in effect and the plant shall be so conducted as not to cause conditions detrimental to the public health or constituting a public nuisance. All gases carrying odors which are produced or result from the operation of the process machinery or equipment used, shall be confined; and, before being liberated to the atmosphere, they shall be thoroughly deodorized. All

water flowing from the plant shall be inoffensive, free from nuisance or any matter dangerous to the public health.

11. The entire work of final disposition shall be at all times accessible to the commissioner and his authorized representatives, and under his inspection, and subject to his approval. The design, construction, and operation of all apparatus and machinery for the control of odors or possible nuisances shall at all times be subject to the approval, inspection, and supervision of the commissioner or his authorized representative. The commissioner may have representatives at the contractor's plant for any purpose at all times.

12. The contractor at all times during the day and night shall have at all the dumps such a number of transporting conveyances as may be necessary for the proper reception and transportation of all garbage delivered at said dumps. Garbage will be collected and delivered at the dumps either during the day or night, or both, as the commissioner may direct, and any change in the method of delivery, from daytime to nighttime or from nighttime to daytime, shall not give the contractor any claim for damages against the city.

13. The commissioner shall have the right at any time to change the location of any of the dumps provided by the city, if in his judgment the interests of the city so require, and without previous notice to the contractor; as soon as possible after such change has been decided upon, the commissioner shall notify the contractor thereof. The commissioner may also cause any dump to be temporarily closed for the purpose of dredging the slip adjacent to the dumping board or for the purpose of repairing the dumping-board structure or the dock upon which it is erected, or because of its destruction or damage by fire or the action of the elements or otherwise, or because of accumulations of ice in the slip adjacent to the dumping board; and he may cause the diversion of the garbage usually carried to said dump to any other dump, for any reason whatever; and the said change of location of the said dump, or the said temporary closing of the said dump or the diversion of garbage therefrom to other dumps or the addition or reduction of the number of dumps shall not be made the basis of a claim by the contractor for damages, or for the loss of any prospective profits.

14. No place other than the dumps provided for in this contract shall be used by the contractor for the reception, handling, or removal of garbage except by special written permission of the commissioner previously obtained.

15. The city reserves the right to charge and collect compensation from the holders of permits using the dumps provided for herein, for the privilege of depositing garbage upon the contractor's scows; also to charge and collect from the owners of any business, trade, or manufacturing establishment, or building desiring service compensation for the removal and disposal of garbage from said premises. All money so collected shall remain the property of the city. The contractor shall receive and finally dispose of all such garbage without any compensation from the city.

16. The contractor shall accept and receive garbage which is delivered at any of the dumps provided for herein by the owners of private carts or vehicles of any description who have previously obtained permission from the department of street cleaning to use said dumps. The city does not agree or assume to control or regulate the owners of said carts or vehicles. It does not undertake to compel private cartmen to deliver garbage collected by them, from any source, at the dumps provided for herein; nor does it undertake or agree to compel the owner of any business, trade, or manufacturing establishment, or building, to deliver garbage to the department of street cleaning for removal to the dumps provided for herein. The use of said dumps by private carts or vehicles shall be optional with the owners thereof.

17. All receptacles, scows, or conveyances of whatsoever kind used by the contractor shall be constructed and loaded so as to prevent the garbage or any part thereof from falling into or defiling the waters of New York Harbor or the waters adjacent thereto, or the waters of the rivers adjacent to the dumps; and the said receptacles, scows, or conveyances, and each of them, shall be kept and maintained in a clean and sanitary condition to the satisfaction of the commissioner. The contractor shall furnish all the labor necessary to properly load and trim all scows, vessels, and transporting conveyances used for the removal of garbage and shall be responsible for such loading and trimming. In the event that any scow, or other vessel used by the contractor in the performance of this contract, should capsize or sink at any loading or unloading point, it shall be the duty of the contractor to raise and remove the same and its cargo.

18. The garbage received at the several dumps shall be removed therefrom at such intervals as will prevent decomposition proceeding to a condition where odors from the garbage constitute a nuisance.

19. The contractor shall not permit garbage or by-products which may result in a nuisance to be stored or deposited outside of buildings at his plant; but after being unloaded from the scows, the garbage shall be immediately placed inside the buildings or apparatus provided for the purpose of treating the material.

20. The contractor or his employees shall not assort or pick over any garbage delivered at the dumps before it is deposited upon the vessels, nor shall he permit his employees to remove any materials from the scows or vessels or to store the same either upon or beneath the dumping board or upon any part of the dock. The contractor shall not have any claim against the city for, nor shall he ask, demand, or receive from the city, any materials delivered by carts of the department of street cleaning or by private vehicles at dumps maintained by the city for the disposal of ashes, street sweepings, and rubbish.

21. The contractor shall furnish all the labor necessary to wind, handle, and shift all scows and other vessels used in the performance of this contract whenever necessary and as often as directed to do so by the commissioner or his duly authorized representative in charge of the work. The contractor shall also furnish all towboats whenever necessary for said purpose. In the event that the commissioner or his duly authorized representative should decide that a partially loaded scow should be transferred to another dump, or dumps, to complete the load, the contractor shall furnish a towboat for that purpose. Should the contractor fail to do so, the commissioner may hire as many towboats as may be necessary for this purpose and charge the cost and expense thereof to the contractor, and the city may deduct the amount of this expense from any moneys or securities which have been deposited under this contract. If said moneys or securities are insufficient the contractor shall pay the amount thereof to the city. The contractor shall also furnish all the labor necessary to trim and reload any scow which has been loaded and has taken a list for any reason while awaiting removal to the disposal plant.

22. All damage done to the docks, piers, wharves, or dumping structures furnished by the city under this contract by the contractor or his employees shall be repaired by the contractor at his own cost and expense. Upon his failure to do so the damage may be repaired by the city, and the cost and expense thereof shall be deducted and retained by the city from the special deposit provided for in clause E, if available; if not, the contractor shall pay the amount thereof to the city.

23. The contractor shall provide and maintain, at his own cost and expense, an office conveniently located, with telephone service at all hours of the day and night.

24. Any person in the employ of the contractor who, in the opinion of the commissioner, may be untrustworthy, incompetent, or otherwise unfitted to perform his duties, or who shall refuse to obey the orders of the commissioner or his duly authorized representative, shall be dismissed on the request of the commissioner, and any person so dismissed shall not again be employed by the contractor without the commissioner's written consent.

25. The contractor shall provide and keep in working order a plant and equipment of sufficient capacity to dispose of the maximum daily quantity of garbage delivered at the dumps provided for herein, but in no case shall the capacity of the plant be less than 2,000 tons per day, and have the same complete and ready for operation at the time specified for this contract to begin, except that he may, with the approval of the commissioner, provide means to temporarily dispose of the garbage for an initial period of not to exceed three months, at the expiration of which time the plant and equipment shall be capable of disposing of all garbage which at that time may be delivered to the contractor under the terms of this contract. The capacity of the plant and equipment shall be sufficient to enable all necessary repairs to be made without interference with the work of disposal and to permit of continuous and uninterrupted operation at all times.

26. In emergencies garbage may be disposed of by dumping at sea, provided the consent of the commissioner, in writing, is first obtained.

27. The contractor shall, as far as possible, prevent any materials from falling into the water of the harbor or rivers; and in the event that any materials

shall fall into the water, he shall cause the same to be removed therefrom and replaced upon the vessels. He shall provide all the labor, rowboats, and appliances necessary to pick up such material from the water at his own cost and expense.

28. The contractor at the end of each working day or night shall clean and sweep, or cause to be cleaned and swept, the platforms and the dumping-board structures. In the winter season the contractor shall keep the garbage platforms and dumping-board structures free from accumulations of snow and ice. Whenever required the contractor shall have the under portions of the garbage dumping boards and the supports whitewashed in a thorough and workmanlike manner, to the satisfaction of the commissioner.

29. If, in any emergency, the garbage collected throughout the city is not delivered regularly, or with the usual regularity, the contractor shall make no claim against the city for damages for delay or the loss of any prospective profits.

30. Employees of the contractor shall not be permitted to occupy any portion of the dumping-board structures or of the docks or piers upon which they are located for any purpose, except that at each dump the contractor will be permitted to erect and maintain at his own cost and expense a fireproof shanty, to be occupied by a watchman, and a stove for heating purposes may be used therein. The size of the shanty, the materials used in its construction, and its location shall first be approved by the commissioner, and a plan shall be filed with him for that purpose. At the termination of the contract the contractor shall remove all such buildings at his own cost and expense.

31. All the necessary artificial lighting at the city dumps will be furnished by the city. At the dumps provided by the contractor he shall furnish artificial lighting at his own cost and expense. The use of torches or of unprotected flame lamps will in no case be permitted.

32. No stoves or utensils used for like purposes shall be used at any dump for any purpose, except heating in the watchman's fireproof shanty and in the inspector's office. No fire shall be made in any receptacle, or otherwise, at any dump, excepting for the purposes above stated.

33. Smoking shall not be permitted at the dumps.

(*e*) The contractor shall deposit with the comptroller of the city of New York, on or before the signing, sealing, and delivery of this contract, the sum of $50,000 lawful money of the United States of America, as additional security for the faithful performance of the terms and conditions of this contract, and as a fund to be drawn upon by the commissioner of street cleaning, to pay for any expense which may be incurred hereunder by said commissioner or by the city of New York, due to the failure of the contractor to comply with the said terms and conditions of this contract; and it is mutually agreed that the said sum of $50,000 shall remain on deposit with said comptroller, without interest, and if not wholly used for the purpose for which the same was deposited, this amount, or the unincumbered portion thereof, shall be returned to the contractor, his assigns or personal representatives, in the following manner: The sum of $10,000 on the 2d day of January, 1918; the sum of $10,000 on 2d day of January, 1919; the sum of $10,000 on 2d day of January, 1920; the sum of $10,000 on the 2d day of January, 1921; and the balance, if any, on the 2d day of January, 1922. The contractor shall have the option of depositing in lieu of the $50,000 in cash, corporate stock or certificates of indebtedness of any nature issued by the city of New York, which the comptroller shall approve as of equal value. If securities are deposited instead of cash, the same shall be subject to all the conditions applying to the cash deposit herein set forth. The city shall, from time to time, collect all interest, dividends, or other profits or revenue on any securities deposited by the contractor, and shall, when collected, pay the same to the contractor; if the securities are in the form of coupon bonds, the coupons as they respectively become due, shall be delivered to the contractor.

If at any time it becomes necessary for the commissioner to make use of any of the moneys or securities so deposited, the contractor shall, upon notice from the commissioner, immediately restore the amount which has been withdrawn or expended by the commissioner.

(*f*) If the contractor shall delay or neglect to begin the work under this contract on or after the 2d day of January, 1917, the city may dispose of the garbage, or any part thereof, for such period that the contractor shall neglect or delay to begin the said work, and shall charge the entire expense thereof against the contractor. The special deposit provided for in clause (*e*) may be used by the city for the above purpose so far as the same is available, and if not available, the contractor shall pay the amount thereof to the city.

(*g*) 1. The city will deliver to the contractr, at the dumps herein provided or hereafter to be furnished, all the garbage collected by the carts and vehicles of the department of street cleaning, from any source in the Boroughs of Manhattan, Bronx, and Brooklyn.

2. The city will furnish not more than 12 water-front dumps in the Borough of Manhattan, not more than 4 water-front dumps in the Borough of The Bronx, and not more than 6 water-front dumps in the Borough of Brooklyn, at points to be selected by the commissioner, during the period of this contract.

3. The city will, at its own cost and expense, keep the dumping board structures in proper condition and repair, except as provided in clause 22 of the specifications.

(*h*) 1. The contractor shall receive, transport, and dispose of all the garbage collected by the carts and vehicles of the department of street cleaning, from any source, in the Boroughs of Manhattan, The Bronx, and Brooklyn, during the period of this contract, which the city may deliver at the dumps herein described or hereafter to be provided, and shall also receive, transport, and dispose of all garbage delivered at the dumps by private carts and vehicles which have been authorized by the department of street cleaning to use the said dumps.

2. The contractor shall, at his own cost and expense, furnish, maintain, and operate a plant and equipment of a capacity of not less than 2,000 tons per day, upon a site the location of which shall be satisfactory to the commissioner and subject to the approval of the board of estimate and apportionment—but said plant or plants shall not be located within the boundaries of the Borough of Manhattan nor within the confines of Jamaica Bay—and he shall furnish all the work, labor, services, scows, tugs, vessels, vehicles, transporting conveyances, tools, tackle, appliances, apparatus, machinery, supplies, materials, and everything necessary to carry on and perform the work required to be done by him under this contract.

3. The contractor shall furnish, at his own cost and expense, one water-front dump in the Borough of Brooklyn, the location of which shall be satisfactory to the commissioner. He shall also keep the dumping board structure in good condition and repair at all times, and shall perform all dredging at his own cost and expense.

4. The contractor shall pay to the city in equal monthly payments, during the term of this contract, the following sums of money:

For the first year ——— dollars.
For the second year ——— dollars.
For the third year ——— dollars.
For the fourth year ——— dollars.
For the fifth year ——— dollars.

(*i*) The contractor shall at all times use such plant, equipment, appliances, processes, devices, or methods, and employ such and so many men and vessels, scows, towboats, vehicles, and transporting conveyances for the performance of all operations connected with the work under this contract as will secure a satisfactory rate of progress and quality of work, and if at any time during the progress of the work such plant, equipment, vessels, scows, towboats, vehicles, transporting conveyances, appliances, processes, devices, or methods, or such force of persons employer by the contractor appear to the commissioner to be inefficient, insufficient, or inappropriate for securing the quality of work required or the necessary rate or progress, the commissioner shall have the power to direct the contractor to increase the efficiency or improve the character of the plant, equipment, appliances, processes, devices, or methods, or to increase the number of persons or vessels, scows, towboats, vehicles, or transporting conveyances employed by him and the contractor shall thereupon conform to such direction, but the failure of the commissioner to demand such increase, or efficiency, or improvement shall in no manner be deemed to relieve the contractor from his obligation to secure the quality of work and rate of progress established by any of the terms or conditions of this contract, and in case it shall at any time appear that the work or any part thereof shall in any manner be improperly, imperfectly, or unsatisfactorily done, or delayed, the same shall be immediately corrected on the demand of the commissioner, and fallure on the part of any inspector or other officer or employee of the de-

partment of street cleaning to call attention to such defect shall not be held to be a waiver of the commmissioner's right to require the same to be corrected as aforesaid or to estop the commissioner therefrom.

(*j*) No claim shall be made by the contractor for any compensation; nor shall he ask, demand, sue for or recover for the work performed by him any compensation, nor have any claim for, nor ask, demand, sue for or recover any extra, or other compensation, whether claimed as anticipated profits or as loss or otherwise, in case the daily amount of garbage delivered, as aforesaid, shall be materially or in any degree greater or less than the quantity estimated or indicated in the proposal for bids or estimates for this contract; nor shall anything herein contained be deemed or construed to imply or impose any obligation on the part of the city to deliver to the contractor any specific amount of garbage whatsoever, or garbage from any particular source or sources, it being understood, however, that the city will deliver to the contractor at the dumps aforesaid all the garbage which shall be collected by the carts and vehicles of the department of street cleaning, from any source or sources, in the boroughs of Manhattan, The Bronx, and Brooklyn, during the period of the contract, it being further understood that the city does not agree or assume to control or regulate the owners of private carts or vehicles who have obtained permission from the department of street cleaning to use the dumps, or to compel private cartmen to deliver garbage collected by them from any source at the dumps; nor does it undertake or agree to compel the owners of any business, trade, or manufacturing establishment, or building to deliver garbage to the department of street cleaning or to the contractor.

(*k*) The contractor will pay, or cause to be paid to the city, the sums of money hereinbefore mentioned, in equal monthly installments, on the last day of each and every month during the term of the contract, for that month.

(*l*) The fact that the department of street cleaning may inspect the work, or any part thereof, shall not be held to be or constitute a waiver of the strict performance by the contractor of all his obligations under this contract to perform the work in a good, efficient, and expeditious manner.

(*m*) All parts of this contract and the specifications are intended to be explanatory of each other, and in case any ambiguity or doubt as to the meaning of any part thereof or of any obscurity as to the wording thereof or of any part thereof shall arise, the same will be explained by the commissioner, whose determination shall be final and binding upon the contractor, and all directions and explanations requisite, proper or necessary to complete or make more definite any of the provisions thereof and to give them due effect shall be given by the commissioner, and his decision thereon and his interpretation of the same shall be final and conclusive.

(*n*) The contractor shall give his personal attention constantly to the faithful performance of this contract; he shall not assign, transfer, convey, sublet, or otherwise dispose of this contract, or his right, title, or interest in or to the same or any part hereof, without the previous consent in writing of the commissioner indorsed hereon or hereto attached; and he will not assign, by power of attorney or otherwise, unless by and with the like consent signified in like manner. If the contractor shall, without such previous written consent, assign, transfer, convey, sublet, or otherwise dispose of this contract, or of his right, title, or interest therein, to any other person, company or other corporation, this contract may, at the option of the commissioner, be canceled and terminated, and the city shall thereupon be relieved and discharged from any and all liability and obligations growing out of the same to the contractor, and to his assignee or transferee; provided that nothing herein contained shall be construed to hinder, prevent, or affect an assignment by the contractor for the benefit of his creditors, made pursuant to the statutes of the State of New York; and no right under this contract shall be asserted against the city in law or in equity, by reason of any so-called assignment of this contract, or any part thereof, unless authorized as aforesaid by the written consent of the commissioner.

(*o*) If the work under this contract shall be abandoned by the contractor, or if this contract shall be assigned or the work sublet by him other than as herein specified, or if at any time the commissioner shall be of opinion, and so certify in writing (which certificate shall be final, binding, and conclusive on the contractor) that the performance of the contract is being unnecessarily or unreasonably delayed, or that the contractor is violating any of the conditions or covenants of this contract, or the specifications thereof, or is executing the same in bad faith, or not in accordance with the terms thereof, the commissioner may

cancel and terminate this contract by a written notice, to be served upon the contractor either personally or by leaving it at his residence or office, and the commissioner shall thereupon have the power and is hereby authorized to procure in the manner prescribed by law, such and so much of said work to be performed as may be necessary, to fulfill this contract, and in such case the city shall have the power and is hereby authorized to charge to the contractor the amount of loss suffered by the city; and upon a reletting of the contract, if the amount of moneys received by the city shall be less than the amount which would have been payable under this contract, if the same had been completed by the contractor, then the contractor shall and will pay to the city the amount of such difference; and in case such amount shall be greater than the sum which would have been payable under this contract, if the same had been completed by the contractor, then the contractor shall forfeit all claim to the difference. All moneys or securities deposited by the contractor may be used for the purpose of meeting any loss suffered by the city; if such amount is insufficient the contractor shall pay the balance to the city. Pending the execution of a new contract to complete the one called for in this contract, and the commencement of work thereunder, the commissioner is hereby authorized and empowered to take possession of the plant, equipment, scows, vessels, vehicles, conveyances, and other means of transportation and final disposition of the garbage hereinbefore referred to, belonging to or used by the contractor, and at the expense of the contractor to hire and employ as many men as may be necessary to operate said plant, scows, vessels, vehicles, and conveyances, and other means of transportation, and to hire such other plant, scows, vessels, and vehicles and conveyances as may be necessary to perform the work provided for in this contract and to take such other means for the disposal of garbage as may be necessary. Should any revenues be derived from the operation of the contractor's plant and appurtenances by the city during said period, the same shall be the property of the city after deducting all expenses therefrom.

(*p*) If the contractor shall fail to perform any part of the work called for in this contract in accordance with the terms thereof and the commissioner decides not to cancel and terminate this contract as provided in clause (*o*) hereof, the commissioner shall have the power and is hereby authorized to perform or cause or procure to be performed such part of the work as the contractor shall fail to perform, at the expense of the contractor, and to deduct such expense from the special deposit provided for in clause (*c*) hereof. If such expense shall exceed the amount on deposit, the contractor shall pay the balance to the city.

(*q*) If the contractor should fail to furnish a sufficient number of scows, vessels, towboats, vehicles, or transporting conveyances for the reception, transportation, and final disposition of the garbage delivered at the dumps, the commissioner shall have the power, and is hereby authorized, to hire such and so many scows, vessels, towboats, vehicles, or other transporting conveyances as may be necessary to receive, transport, and dispose of the garbage which has accumulated at the dumps; or the commissioner may divert such garbage to other dumps maintained by the city; or the commissioner may hire and employ private dumps for the transportation and disposition of such garbage; and the commissioner shall have the power and is hereby authorized to charge the expense of hiring such scows, vessels, towboats, vehicles, or transporting conveyances, or private dumps, or the cost and expense to the city of diverting the garbage to other dumps maintained by the city, to the contractor, and the city may deduct and retain out of the special deposit, provided for in clause (*c*), so far as the same may be available, such cost and expense, and if the same is not available, the contractor shall pay the amount thereof to the city; in addition, the city may deduct and retain out of the special deposit, provided for in clause (*c*), so far as the same may be available the sum of $25, for each and every hour, on each and every day, including Sundays and holidays, during which such failure on the part of the contractor to furnish scows, vessels, towboats, vehicles, or transporting conveyances for the reception, transportation and final disposition of the garbage delivered at each and every dump shall continue, which said sum is hereby fixed and determined as the liquidated damages which will be suffered by the city, by reason of such failure, and not by way of penalty, and the time of such failure on the part of the contractor, to furnish a sufficient number of scows, vessels, towboats, vehicles or other transporting conveyances, for the reception, transportation, and final

disposition of the garbage delivered at any of the dumps, shall be reckoned as from the time of dumping the last cartload upon a scow or vehicle until another scow or vehicle is furnished by the contractor; if the said deposit is not available the contractor shall pay the amount of such damages to the city.

(*r*) The contractor agrees that he will comply with the provisions of the labor law. He further agrees, that no laborer, workman, or mechanic in the employ of the contractor, subcontractor, or other person doing or contracting to do the whole or a part of the work contemplated by this contract shall be permitted or required to work more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property. That the wages to be paid for a legal day's work to all classes of such laborers, workmen, or mechanics upon public work or upon any material to be used thereon shall not be less than the prevailing rate for a day's work in the same trade or occupation in the locality where such public work is being carried on. Each such laborer, workman, or mechanic shall receive the prevailing rate of wages. This contract shall be void and of no effect unless the person or corporation making or performing the same shall comply with the provisions of sections 3 and 14 of the labor law.

(*s*) The contractor, during the performance of this contract, shall take all necessary precautions and place the proper guards to prevent accidents and nuisances or injuries to the persons or property of another and he shall indemnify and save harmless the city from all suits or actions, liability, and damages or costs of every name and description to which the city may be subjected or put by reason of injury to the person or property of another resulting from negligence or carelessness or from nuisances caused by the contractor, his servants, or agents in the performance of the work under this contract or because of defects in his plant or because of the use, violation, or infringement of any patent or patent rights at said plant, or otherwise, or because of the use by the contractor of any patented articles, materials, appliances, or machinery, in the performance of the work, or by or on account of any act or omission of the contractor, his servants, or agents, and the whole or so much of the special deposit provided for in clause (*e*) as shall or may be considered necessary by the comptroller of the city shall or may be retained by the city until all such suits or claims for damages shall have been settled or otherwise disposed of and evidence to that effect furnished to the satisfaction of the comptroller.

(*t*) The residence or place of business given in the bid or estimate upon which this contract is founded is hereby designated as the place where all notices, letters, and other communications shall be served, mailed, or delivered. Any notice, letter, or other communication addressed to the contractor and delivered at the above-named place, or deposited in a postpaid wrapper in any post-office box regularly maintained by the post office shall be deemed sufficient service thereof upon the contractor. The place named may be changed at any time by an instrument in writing executed and acknowledged by the contractor and delivered to the commissioner. Nothing herein contained shall be deemed to preclude or render inoperative service of any notice, letter, or other communication upon the contractor personally.

(*u*) This contract and the specifications herein contained may be modified and changed from time to time as may previously be agreed upon in writing between the parties hereto in a manner not materially affecting the substance hereof or reducing the amount of compensation to be paid to the city by the contractor, provided, however, that the consent of the board of estimate and apportionment be first obtained.

(*v*) It is mutually understood and agreed that at the expiration of this contract the city shall have the option of purchasing the plant and equipment of the contractor and the land upon which the said plant has been erected in the manner provided by law.

(*w*) The proposal for this contract, the bid or estimate upon which this contract has been awarded, the plans and specifications submitted by the contractor, the advertisement of this contract in the City Record, and the specifications herein contained shall be and shall be deemed to be parts of this contract.

In witness whereof, the commissioner of street cleaning, on behalf of the said party of the first part, has set his hand, and the said contractor has likewise set his hand, the day and year first above written, and the said commissioner and the said contractor have and each of them has executed this contract in triplicate, one part whereof is to remain with the said commissioner, one other part to be filed with the comptroller of the city of New York, and the third part to be delivered to the said contractor.

——— ———,
Commissioner of Street Cleaning.

——— ———,
Contractor(*s*).

Approved as to form.

——— ———,
Acting Corporation Counsel.

THE CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

On this ——— day of ———, 19—, before me personally came ———, to me known and known to me to be the commissioner of street cleaning of the city of New York, the person described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same as such commissioner of street cleaning for the purposes therein mentioned.

——— ———, *Notary Public.*

THE CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

On this ——— day of ———, 19—, before me personally came ——— to me known and known to me to be the same person described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same for the purposes therein mentioned.

——— ———, *Notary Public.*

THE CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

On this ——— day of ———, 19—, before me personally came ———, to me known and know to me to be the president of the ——— company, and ——— to me known and known to me to be the ——— of said company, who, being by me severally duly sworn, did say, each for himself, as follows:

The said ——— that he was the ——— of said company; and the said ——— that he was the ——— of said company; that they knew the corporate seal of said company; that the seal affixed to the foregoing instrument was such corporate seal; that it was so affixed by order of the board of directors of said company, and that by like order he thereto signed his name and official designation.

——— ———, *Notary Public.*

Know all men by these presents, that we, ———, as principal, and ———, as sureties, are held and firmly bound unto the city of New York in the sum of $200,000, lawful money of the United States of America, to be paid to the city of New York, or to its certain attorneys, successors, or assigns; for which payment, well and truly to be made, we and each of us do bind ourselves, and our several and respective heirs, executors and administrators, successors, assigns, or legal representatives, jointly and severally, firmly by these presents.

Sealed with our seals. Dated this ——— day of ———, 19—.

Whereas by an instrument in writing under hand and seal, bearing even date with these presents, one part whereof is hereto annexed ———, the above bounden ———, ha— contracted with the said, the city of New York, for the final disposition of garbage from the boroughs of Manhattan, The Bronx, and Brooklyn, in the city of New York, for a period of five years, beginning January 2, 1917, as will in the said contract more fully and at large appear.

Now, therefore, the conditions of the above obligation are such that if the said above bounden ———, heirs, executors, administrators, successors, assigns, and legal representatives shall well and truly do and perform all the work provided for under the said contract, in accordance with the terms and provisions therein stipulated, and in each and every respect comply with the conditions and covenants therein contained, then this obligation to be void; otherwise to remain in full force and virtue.

——— ———. [SEAL.]
——— ———. [SEAL.]
——— ———. [SEAL.]
——— ———. [SEAL.]

Signed and sealed in the presence of—

——— ———.

THE CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

On this ——— day of ———, 19—, before me personally came ——— to be known and known to me to be the president of the ——— Co., and ———, to me known and known to me to be the secretary of the ——— Co., who, being by me severally duly sworn, did say, each for himself, as follows:

The said ——— that he was the president of said company, and the said ———, that he was the secretary of said company; that they knew the corporate seal of said company; that the seal affixed to the foregoing instrument was such corporate seal; that it was so affixed by order of the board of directors of said company, and that by like order he thereto signed his name and official designation.

——— ———, *Notary Public.*

THE CITY, COUNTY, AND STATE OF NEW YORK, *ss:*

On this ——— day of ———, 19—, before me personally came ———, to me known and known to me to be the person described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same for the purposes therein mentioned.

——— ———, *Notary Public.*

Mr. SMALL. Does that conclude what you wish to present in favor of this legislation?

Mr. ULLMAN. Yes.

Mr. RIORDAN. I think that finishes for the proponents of the bill, except that I desire to remove one doubt that seems to have arisen in the committee's mind, and that is the question that has frequently been asked about interfering with the present plants in New Jersey. As I said in the beginning, it is not the purpose at all to interfere with anything that is now established. The contentions of the proponents of this measure are, very briefly, that they have three points which they can attack. They have attacked at the other points and are now attacking on the ground of navigation. Their contention is—and it is something that the committee should take into consideration—that no additional low-grade material should be added to the now congested condition of the Kill Van Kull and Staten Island Sound. This question has been persistently asked of these New Jersey people: What do you want to do with the plants that are in New Jersey now? We do not want to interfere with any established business, but we do want to stop, if we can, anything taking place in that harbor which is going to add to the congestion of it. That, I think, closes as far as the proponents are concerned.

Mr. SMALL. The opponents of the bill will now be heard.

STATEMENT OF MR. R. P. CHITTENDEN.

Mr. SMALL. Whom do you represent?

Mr. CHITTENDEN. I represent the mayor and corporation counsel in opposition to this bill. Seven times have we appeared before the courts of New York in opposition to motions for injunctions, and every conceivable ground has been taken which the ingenuity of counsel could suggest, and both on grounds of law and equity they have failed in all of their applications.

Mr. SMALL. What was the immediate object of the suits?

Mr. CHITTENDEN. To obtain an injunction to restrain the erection of this plant.

Mr. SMALL. On Staten Island?

Mr. CHITTENDEN. Yes. Now, it is not conceivable that any question would be raised as to the interference with navigation or commerce if this plant were not a garbage plant which was to be placed on Staten Island.

Now, gentlemen, we are confronted here by a condition, not a theory. Assuming everything they say to be true, and that it will to some extent interfere with navigation on the Kill Van Kull, and that it will to some extent interfere with commerce, which we do not concede, but assuming that for the purpose of the argument, what weight or force has such a suggestion as that in comparison with the fact that 5,000,000 people must dispose, as a sanitary and health measure, of their garbage and waste? If you want pestilence here, and if you want to prevent the city of New York from carrying out this contract to dispose of its garbage, why recommend such a bill as this, because there is no way to dispose of the garbage except under the charter provisions.

Mr. GALLAGHER. How is the city disposing of it now?

Mr. CHITTENDEN. For years the city of New York has by contract taken its garbage to Jamaica Bay, Barren Island, and there it has been disposed of under contract, which has been quite unfavorable as to terms to the city of New York. The objection to disposing of it on Barren Island has been the way in which that particular plant was conducted; the method pursued by that corporation was a nuisance, and representatives from various resorts along Jamaica Bay complained of it, and numerous complaints were made to the mayor and the board of estimates that the scows were held up during stormy weather on the way to Barren Island.

Mr. SMALL. How far is Barren Island from the Battery?

Mr. CHITTENDEN. About 20 miles.

Mr. BOOHER. The statement was made here that scows were held up four days at a time on account of stormy weather?

Mr. CHITTENDEN. It will be in different waters, quieter waters than the ocean proper. The difficulty in carrying the stuff to Barren Island is that you are obliged to go through the Narrows and go into the open ocean, and they have been held up along the shores of Gravesend Bay.

Mr. GALLAGHER. The objection to the disposal of this garbage on Barren Island was due to what?

Mr. CHITTENDEN. It was due to the method of conducting the plant by the company who were operating it.

Mr. GALLAGHER. Could not that be corrected by the city of New York?

Mr. CHITTENDEN. No; it was a private corporation disposing of the garbage under a contract with the city of New York.

Mr. GALLAGHER. Could not your specifications correct that?

Mr. CHITTENDEN. No; not at all. It is not a contract similar to the ordinary contract; it is one of the special provisions of the charter. The method adopted by the corporation was an entirely different method from this one which is proposed to be adopted by this corporation. All efforts on the part of the commissioner to remedy that plant so as to prevent it from being a nuisance have utterly failed, and the mayor determined, not only by reason of the fact that it had proved itself to be a nuisance and detrimental to the the property interests there, but the fact that the city had invested a large sum of money in a public park, and the fact that there were complaints from various sanitariums along the shore, and the fact

that the Government was about to make extensive improvements on Jamaica Bay—those were the inducing causes for restricting in this advertisement the plant to other sections than Manhattan Island and the confines of Jamaica Bay. Under the charter provisions the city of New York has made a statutory contract—that is to say, the legislature has imposed upon the board of estimates and the street commissioner the authority to enter into a contract for the final disposition of garbage for five years, and it provided that it must be submitted to public letting. This contract which the city has now entered into is for the disposal of garbage for five years with an aggregate compensation to the city of New York during those five years of $900,000, a specific amount being payable each year. So, if this legislation went through, the contract, which has been executed under statutory authority, which has passed the criticism of various lawyers and various injunction suits, and which has been approved by our appellate division, would be abrogated, and the city not only deprived of the $900,000, but the city is to be deprived of the most beneficial and proper and advanced method of disposing of garbage that the city experts have been able to ascertain.

We are not dealing here with theories, we are dealing with facts when we tell you that the Cobwell system has proved to be innocuous at New Bedford, and has proved to be innocuous at Los Angeles, and proved itself not to be a nuisance on the fair grounds during the recent fair. We have affidavits here, not from Tom, Dick, and Harry, but from the mayors of those cities and the departments of public works and prominent men which state that this system has proved to be not annoying to those adjacent thereto.

Mr. SMALL. That is the system that is being proposed to be adopted?

Mr. CHITTENDEN. Yes, sir; this is the Cobwell system which Commissioner Fetherstone has authorized by this contract with the contractors to install on Staten Island.

So far as location is concerned, the location of the New Bedford plant, the location of the Los Angeles plant, and that on the fair ground was in close proximity to residences, whereas the location which has been selected not by the board of estimates and apportionment, but by the contractors whose duty it was to make the selection in their bid, is remote from any residential district. There is no section within the confines of Greater New York which is better adapted for a disposal plant, even such a one as is on Barren Island, than the location which has been selected here, surrounded by swamps and surrounded by an area which is uninhabited, the plant itself being obliged to be erected on piles.

Given here a statutory contract which has been made with the approval of the board of estimates and apportionment and Commissioner Fetherston, who visited all of these plants before he accepted this bid, you are asked to substitute your decision for that of the duly authorized authorities of the city of New York and overrule their determination that this is a proper location, that this is a proper contract, and that this plant will be innocuous. These men have been obliged by the commissioner to deposit $250,000 in cash with the comptroller of the city of New York to guarantee, under the terms of this contract, that it will not be a nuisance and that the transportation of the garbage through the Kill van Kull will be

strictly in accordance with the rules and regulations laid down for that purpose. If they are willing to put up another million dollars to erect this plant and to wager the sum of $250,000 that it will not prove a nuisance, are we to say, sitting here listening to the say so of three or four men, that every bit of this duly constituted authority is wrong and that they alone are right? The trouble with this situation is that this has been simply a sympathetic atmosphere. They do not want it. They are frank to say they do not care whether it is a nuisance or not, whether it stinks or not. They do not care anything about interference with navigation along the Kill van Kull by four or five barges, which are taken there in the night time.

So far as regulation is concerned, Mr. Fetherston said in one of his affidavits:

> The provisions of the proposed contract and specifications are clear and explicit, and give me, as commissioner of street cleaning, the power to control the method of carrying on the work called for in the contract. As commissioner of street cleaning, I will take measures to compel the contractor to conform with the requirements of his contract, which, if carried out in conformity therewith, will obviate any nuisance.

If they are willing to wager $250,000 that they will live up to the terms of the specifications and of the contract and if the board of estimates having authorized such a contract, believes that they can and will do it, I do not think that this committee is going to substitute itself for the State authorities and abrogate a contract so advantageous to the city of New York, especially in view of the fact that this bill on its face would result in the abrogation of the very contract which is now in existence by means of which the city to-day disposes of its garbage.

Mr. BOOHER. It would not abrogate the contract if this bill was amended so as to refer this whole question to the Secretary of War with the power to make rules and regulations covering the situation?

Mr. CHITTENDEN. We would have no objection to that. I am talking about the facts.

Mr. BOOHER. You would not have any objection to a proposition of that kind, leaving it to the Secretary of War to determine?

Mr. CHITTENDEN. Certainly, we have no objection to the most thorough investigation of the methods of disposal and as to whether or not this plant will become a nuisance.

Mr. BOOHER. In this litigation in the courts the question of navigation was not considered?

Mr. CHITTENDEN. That had nothing to do with navigation. That had to do with the question of whether or not this was a legal contract and whether or not it was prima facie a nuisance. In each instance the decision was favorable to us.

As to interference with commerce, have not these people the right to secure property on Staten Island and to invest a million dollars in a plant for the utilization of garbage? Would it not be and is it not an interference with commerce to prevent the carrying out of a contract which will enable them to make such a profitable venture that they can afford to pay the city of New York $900,000 in five years? It seems to me that is an interference with commerce. The contract provides that they must carry on the traffic subordinate to the rules and regulations of the harbor commissioner and all other proper rules

and regulations. We have no difficulty with the question of regulation. Regulate as far as you please, but that is not the purpose of this act. The purpose of this act is to prevent these people from building a plant on Staten Island; it has no other purpose on earth. It is a wrong and immoral bill. It does restrict commerce. It is suggested that it interferes with navigation. So far as the regulation situation is concerned, that is trivial. I repeat what I said in my opening, that here we have a sanitary method—something that the city of New York must use. It must dispose of its garbage; otherwise there will be pestilence, and because of a trivial interference with navigation we are told that our contract is not worth the paper it is written on; that we are not going to get the $900,000; and that we can not dispose of the refuse.

Mr. BOOHER. You are disposing of it now?

Mr. CHITTENDEN. We could not dispose of it if this bill went into effect, because it restricts the use of the waters.

Mr. BOOHER. I do not think that the bill is satisfactory even to the proponents here; at least it was intimated that they would be willing that this whole matter should be so amended as to refer it to the War Deparment. I do not believe that anybody is in favor of the bill as it stands.

Mr. CHITTENDEN. I should hope not. I can imagine the howl and cry which would go up on the east coast and out to the Mississippi if it was so.

Mr. BOOHER. You are willing that this matter should be under the control of somebody?

Mr. CHITTENDEN. Certainly.

Mr. BOOHER. There is no better place to put the control than in the War Department?

Mr. CHITTENDEN. Not at all. We do not object to any control.

So far as interference with navigation on the Kill van Kull is concerned, I want to say that five or six barges are transported through the day under proper regulations of the War Department, and there is no such interference with navigation as to justify interference by this committee or of Congress.

Mr. BOOHER. If the navigation had all it could carry now, the addition of five or six barges might stall it, would it not?

Mr. CHITTENDEN. Yes, sir.

Mr. BOOHER. If there was all the navigation that the channel could carry and you put on nine more scows, they could not get along?

Mr. CHITTENDEN. Oh, yes. There is no member of this committee who by reason of anything he has heard here believes for one minute that with proper regulations four or five more scows are going to interfere with commerce on the Kill van Kull. There has not been one complaint of interference with commerce during the entire time that these barges have been taken to Barren Island, and there has not been a suggestion of interference with navigation on the Kill van Kull.

Mr. BOOHER. Do boats going to Barren Island go through the Kill van Kull?

Mr. GALLAGHER. They use another route.

Mr. HULBERT. There is more than one channel. There are three channels. The Ambrose Channel is a little channel that is restricted for the vessels of the greatest depth.

Mr. CHITTENDEN. For four or five months the city has been obstructed, because this contract is outside of the city by this agitation in Staten Island. There is a legislative body prescribed by the charter where they can enter their protest, and if they are overruled, that is no reason why Congress should interfere. They have had their day in court. They have registered their vote. As counsel has said, the Borough of Richmond has exactly the same right, so far as the disposal of garbage is concerned, as the Borough of Manhattan under the charter. I do not believe that there will be any interference by this committee with this contract. The city of New York has either got by the 1st of January to renew its contract with the present holders of it on Barren Island or it has got to dispose of its garbage to this contractor on Staten Island. If the courts of New York State have not found any reason in equity or law for interferring with this statutory contract, why should Congress? All of this discussion before the board of estimates and apportionment, before the mayor, and before the commissioner is merely another means of delaying this contract to the detriment of the city, and it should fail.

Mr. GALLAGHER. Is there any objection from navigation to the barges being towed out to the present plant?

Mr. CHITTENDEN. No, sir; not a suggestion.

I have affidavits here, gentlemen, which I will not take the time to read, which will convince the members of the committee that this system has not proved itself to be a nuisance and that the transportation of the garbage in barges will not interfere with navigation.

Mr. SMALL. If they are not too voluminous, you might file them with the reporter.

Mr. RIORDAN. The question of nuisance is not before the committee at all.

Mr. SMALL. If the affidavits refer to the question of whether or not it is a nuisance, that seems to be conceded that it would not be, and so it will not be necessary to cumber the record with the affidavits.

Mr. RIORDAN. If I may be permitted, I have said very plainly that we have attacked this thing in the three ways that we could possibly attack it. If these people are so certain that this system is all right, why not build the plant in Manhattan? Our argument is based on the premises that the sending of these scows down to this congested neighborhood is unnecessary, because this disposal plant can be built in Manhattan at the wharves, at the point where the refuse originates.

Mr. CHITTENDEN. The board of estimates and the commissioner are the duly designated authorities by the Legislature of the State of New York to determine the question as to where this plant shall be located and how this contract shall be framed and carried out, not these gentlemen.

Mr. MORGAN. May I interrupt for just a moment? Counsel in speaking in opposition to this bill spoke only with regard to the objections that come from New York. I want it to appear in the record that this committee has not only the people of New York to consider, but the people of New Jersey, against whose shores these rivers run, so that there will not be any chance to lose sight of the fact when the committee comes to review the matter.

Mr. SMALL. That will appear in the record.

STATEMENT OF MR. L. L. LEWIS, COUNSEL METROPOLITAN BY-PRODUCTS CO., NEW YORK, N. Y.

Mr. LEWIS. I might say in passing that after I cover a very few points I shall be very happy indeed to answer any questions. It is difficult to hold one's chair and hear so many misstatements in a discussion as we have heard to-day. I think there is no question which can be asked which Mr. Chittenden and I can not answer with reasonable satisfaction in reply to these gentlemen. Also another remark in passing, and this is beside the point in view of the concession of these Staten Island gentlemen. I was amazed beyond expression, in fact, I could scarcely believe my ears when I heard these gentlemen get on their feet to-day and say at the opening that they conceded that this was no nuisance. Bless your hearts, since the 17th day of January, by litigation after litigation, by speech after speech from the borough president down, court day after court day, public meeting after public meeting, we have heard nothing except this intolerable nuisance. They had the courage and the integrity to get up here to-day and to admit the falsity of their position.

Mr. HULBERT. Has not that question been adjudicated?

Mr. LEWIS. Yes, sir.

Mr. HULBERT. Then it is res adjudicata so far as this matter is concerned?

Mr. LEWIS. Yes, sir. I am glad to hear it. It is a great pleasure to me that after months of litigation we have succeeded in having the gentlemen admit it. When they approach you they take the other alternative that it is not a nuisance, and consequently the plant operating under the Cobwell system not being a nuisance could be placed on Manhattan Island in the midst of the residential or factory district.

Mr. SMALL. What is the Cobwell system?

Mr. LEWIS. If you gentlemen wish, I could give you a short statement of what it is.

Mr. SMALL. It would be very interesting, I have no doubt.

Mr. LEWIS. The great trouble with the old Barren Island plant, which admittedly was such a nuisance, was that it was an old discarded system. The contractors for 20 years received $3,000,000 from the city of New York for taking the garbage away and they made millions of dollars out of it, but they put scarcely a dollar into improvements, and they let the old rotten plant keep on grinding out its products without turning anything back into the system to modernize it and make it a sanitary, up-to-date plant, to such an extent that the city became utterly disgusted and invited new bids in the fall.

The Cobwell system is an entirely new system; nothing passes up out of the smokestacks. At Barren Island you can stand off for miles and see the dirty smoke emitting from the smokestacks, and you can smell it for miles and miles. Let me say before I tell you just what the system is that in this litigation which we have been having the very most our competitors could say through the mouth of their expert engineers upon an examination of the plant operating under the Cobwell system at New Bedford, Mass., was that there was no odor outside of the building, and as the effulgent waters were outside of the plant itself the odors, as you stood at the side of the stream, were local and temporary. That is the sworn affidavit of our opponents' expert, which is the strongest they could bring on the question of nuisance.

When these scows are taken alongside of the wharf at the plants the grapple reaches down into the scow and lifts up a mass of garbage and drops it into a funnel, and that is the last it is exposed to public view. It is dropped down into moving pans, and as the pans pass along the garbage is dropped into vats and these vats as soon as filled are closed and sealed. Those vats are filled with gasoline, and the garbage is immersed in gasoline and is condensed, distilled, and deodorized, and the effulgent water passes out, and as their engineer said, there is a temporary local small, and the matter left is in the nature of tankage or dry compressed meal without odor.

At the San Francisco Exposition the garbage-disposal plant under the Cobwell system was operated, and if any of you gentlemen visited the exposition I doubt if you knew there was a plant on the exposition grounds. In the city of Los Angeles they handle it in the same way. We have here numerous affidavits from the mayors and the public health boards all to one effect, that there has been no complaint whatever regarding a nuisance. Facts are facts. It is very easy for gentlemen to get stirred up and make offhand statements, but no affidavits can be produced credibly which can answer the simple truth of the proposition.

Now, what happened? The handling of the garbage of New York City is a real problem, gentlemen. Yon can not get away from the simple proposition that it has got to be handled and taken somewhere, somehow. Mayor Mitchel and the board of estimate and apportionment started an investigation in the early fall with their own engineers and expert engineers toward investigating carefully the most economical and practical method of handling its garbage. It then invited bids, and let me say that there has never been a charge of any question of politics involved in the letting of this contract.

Mr. SMALL. No politics in a contract in New York?

Mr. LEWIS. It happens that the complexion of the contractors is of all shades of political belief.

Mr. SMALL. I wished to give you an opportunity to emphasize that.

Mr. LEWIS. It is a pleasure to do it, indeed. The Metropolitan By-Products Co. for many weeks—in fact, for several months—have made a thorough investigation of this whole question, and one of the gentlemen associated with the Metropolitan is probably one of the leading experts in the country on that subject. The trouble, gentlemen, with the old notions that prevail regarding the disposition of garbage is that they have never kept up to date, and it has been very difficult for our friends from Staten Island to realize that it is possible for science to make progress in the final disposition of garbage the same as in other lines of thought or activity. I do think that most of these gentlemen here and many of the leading well-informed men of Staten Island have almost against their will been forced to the conclusion that the plant itself will not be a nuisance.

They turn then to the proposition regarding the scows, which I would be very glad to discuss just a few moments later.

We made our bids, and mark one thing, in the last 17 years the city of New York has paid over $3,000,000 to the Barren Island people for having their garbage taken away. We came to the front and we said, "Gentlemen, we will do one of two things: We will build you a plant costing $2,500,000 upon Rikers Island on city-owned land and give you that plant at the end of five years for $1,500,000; in other words, giving you $1,000,000, or if you do not wish to buy that plant—that being one of the specifications—we will build a plant on Staten Island costing $2,000,000, if you will give us a five-year contract, and we will give you $900,000 for the privilege of having the garbage."

Now, right there let me make one statement. What does that mean? That means, gentlemen, that on a five-year contract we have got to build a $2,000,000 plant. We have got to pay the city of New York $900,000, or almost an expenditure of $3,000,000 will have to be amortized through five years before we can make one single dollar out of this proposition.

Mr. COSTELLO. About what will it cost—I suppose contractors have estimated it—to remove the garbage from New York down to the site of this new plant?

Mr. LEWIS. I really can not tell you that. Do you know, Mr. Greve?

Mr. GREVE. No; I do not. Something like six or seven thousand dollars a year.

Mr. LEWIS. While I am discussing just that phase, let me emphasize one point, and I wish to impress that upon you gentlemen because it seems almost puerile for these men to talk about this not being straightforward, legitimate commerce. We pay the city an average of $180,000 a year and what do we get? We get 350,000 tons of garbage. I wish those facts to get home to you gentlemen for just a moment before I make another statement.

Mr. BOOHER. Is the city bound to furnish 300,000 tons a year?

Mr. LEWIS. No; it furnishes all of its garbage in those boroughs.

Mr. BOOHER. And that is estimated at 300,000 tons?

Mr. LEWIS. Yes; Congressman Small, if you will permit me, I just made a statement to this effect: We pay the city $180,000 a year, on an average, and for that we get an average of 350,000 tons of garbage, as estimated. You can see that that is at about the rate of 50 cents a ton. Let me say in addition that as a result of that garbage we manufacture and ship to all parts of the world an estimated average of 33,000,000 pounds of grease alone. Now, in view of the product of that factory employing three or four hundred people, and representing an investment of $2,000,000, paying 50 cents a ton for 350,000 tons, and shipping throughout the world, mostly to Europe, 33,000,000 pounds of grease per annum, do these gentlemen have the audacity to tell us that that is not legitimate commerce? Now, that is the gospel truth. We know because we contract for it. These are mere misleading, unfounded statements when they speak about cheap, worthless commodities, and the truth of the matter is that it will probably be one of the largest and most productive industries on the Arthur Kill in dollars and cents. Is that commerce?

Now, gentlemen, as Congressman Small this morning hit the nail on the head in his admirable statement, with all of the irrelevant statements aside, the simple proposition is Will the transportation of this garbage be an unnecessary obstruction to commerce? Now, let us analyze that. They state that it is unnecessary because of the theory advanced by Mr. Tribus. Now, the only criticism of Mr. Tribus's plan is that no one else agrees with him. Time and again he has stated his proposition and I have heard him; in fact, it has gotten to be professional with practically all of us to meet and discuss these things in public bodies. Time and again he has uttered this plan before the board of estimates, before the mayor, at private conferences and private meetings of the board of estimates and apportionment and public meetings of the board of estimates and apportionment, and his is the only lone voice in the wilderness favoring the plan. The board of estimates, the street cleaning commissioner, the engineers, and the experts have all turned it down as impractical and unsuited to the needs of the city.

Now, this is a home-rule proposition. It is a local question for the city of New York, and are you going to take drastic action based on the single statement of this estimable gentlemen, however unfounded, in my opinion, his opinion is, contrary to all the engineering expert advice that can be found to assist the administration of New York City, and say that it is unnecessary? Who is going to decide if not the administration of New York City? It has listened, and it has heard debated and argued the proposition, and everybody has had their say, and the board of estimates and apportionment, by a vote of 13 to 3, composed of Democrats and Republicans, no party issue involved at all, have unalterably, time after time, determined the question that here was the sane, practical, economical, and sanitary method of handling the difficult garbage proposition of New York City.

Mr. COSTELLO. How many on that board come from Staten Island?

Mr. LEWIS. One, Mr. Van Name. Mr. Marks, the borough president of Manhattan, in one case did not vote, and in another instance I think he was not present, but his substitute voted against it without an explanation. I think everybody in New York understands the reason, though. A mayoralty contest was about to come on.

Mr. HULBERT. Three members of the board of estimates, in addition to the borough president, are elected from the city at large?

Mr. LEWIS. Yes, sir. Now, with reference to what was said about the proposed plant down on Jamaica Bay, they started there 50 years ago, when there was really nothing there. There was no Coney Island and no Manhattan Beach, and, in fact, none of that beautiful development that has taken place there. There was none of that beautiful development at Rockaway. Since that time buildings have been placed there, and New York has built up there the greatest amusement resorts in the world. The United States Government has started upon a plan on which it has already expended a million or two dollars for the development of Jamaica Bay; and if it is carried out, it will require the investment of scores of millions of dollars. Since that time there have grown up such places as Manhattan Beach, Brighton Beach, and Coney Island, and all of that beautiful development around that bay.

In Brooklyn 2,000,000 human beings breathe, and the city was determined that at the very door of one of the richest, most populous, and pleasure-seeking centers of the city there should be no plants of any kind, factories, or other establishments of that character. In The Bronx there are 700,000 people. When the city talked about putting the plant upon Rikers Island, Mr. Van Name was very prompt to vote for it. He liked that situation out there, but that was defeated. The proposition involved in that case was a municipally operated plant, because, under the provisions of the contract, at the end of five years the city was required to purchase that plant.

Mr. COSTELLO. I have heard you state to this committee that this plant has nothing objectionable about it and that there was not anything about it even resembling a nuisance. Now, if that was the case, why should there have been any objection from the beautiful resort which you have pictured to having it located on Rikers Island?

Mr. LEWIS. I can answer that easily. When the city invited these bids they knew nothing about the Cobwell process. They invited two bids, one for a plant on Rikers Island, which contemplated a municipally owned plant, and the other was for a plant to be located elsewhere, at the suggestion of the contractors. So far as we were concerned we did not care one particle where that plant was located; and the truth of the matter is we would have preferred to have located it upon Rikers Island, as these gentlemen from Staten Island know.

Now, let me make that plain. This matter necessarily had to come before the board of aldermen; that is, the Rikers Island proposition had to come before the board of aldermen for the reason that it was necessary to vote for an issue of city bonds with which to buy the plant. The money had to be appropriated with which to purchase this plant at the end of five years. Then the question of a municipally owned plant entered into the aspects of the situation and the necessary three-fourths vote was not secured for it. The only other alternative was Staten Island, although, as I have said, personally we would have preferred Rikers Island.

Mr. COSTELLO. Then, if I interpret your statement correctly, it was a question of whether the city would bond itself for $2,500,000——

Mr. LEWIS (interposing). $1,500,000.

Mr. COSTELLO. Well, $1,500,000. The question was whether the city would bond itself for that sum or create this antagonism among a population of 100,000.

Mr. LEWIS. I presume that is the situation. Now, let me follow that up, because I take a practical view of that, as I must of anything else in order to answer it satisfactorily. New York City has five boroughs, and they have to place the plant where it can be practically and economically operated. The five boroughs consist of Queens, which, of course, is too far away; of The Bronx, Manhattan, Brooklyn, and Staten Island. Manhattan is thickly populated, Brooklyn has over a million population, and The Bronx has 700,000. Staten Island has 100,000 people. They looked at the west shore of Staten Island. Now, beginning at the northwest corner, you run across some iron works, and you run across Proctor & Gamble's soap works, which, to put it plainly, stink. Then, you go south to the B. & O. and you will find that the city of New York for a long

time has been dumping ashes on Staten Island just below the B. & O. tracks. Then, if you go down Staten Island to the south you will find nothing out of the ordinary until you reach Linoleumville, and the odor there, to put it mildly, is strong of linseed oil. Then, beginning at the northwest, on the New Jersey side, you will find that it is simply a succession of smells, from copper works, mechanical works, Standard Oil works, fertilizer works, etc., practically almost all the way down to Perth Amboy. The tide runs over the place where we have located this plant; the tide runs over it to the extent of scores of acres, and to find the marshy lands, you have only to look at the map. The marshy ground is indicated by the dark shaded portions. We have got to use piles there on account of the shallowness of it in places. The result is bad swamps for miles in all directions. Coming around by the proposed plant, there is nothing but cheap swamp land.

Now, gentlemen, notice this: There is in the fifth ward, in which this proposed plant is to be located, an average of only one human being to the acre, and yet these gentlemen here have come down before you—before the House of Representatives of the United States—and because there is only one person to the acre in those swamp lands on the west shore of Staten Island, they are asking you to inconvenience all the cities of the United States up the Mississippi, and the cities on the Pacific coast, including San Francisco. They have asked you to inconvenience the cities all along the Atlantic coast, including New York, Baltimore, Philadelphia, and Savannah; and the cities on the Florida coast and Gulf coast, including New Orleans, and all the cities up the Mississippi River. Why have they asked that? They ask it so that one human being per acre on the swamp lands on the west shore of Staten Island may not possibly smell an odor which they have been unable to prove can be a nuisance. That is the practical question here, and it is an extraordinary request. Now, I want to urge one more important question upon you. It was difficult for me to hear those various estimates about the barges in the terribly congested Kill van Kull and the Arthur Kill, and about this great procession of barges which were to proceed up and down there among the pleasure excursion boats through the Arthur Kill.

Seeing is believing. If you gentlemen, this very second, could get on a pleasure craft and go down that district, it would be a punctured balloon, all this talk about congestion. To put it in plain English, it is pure bunk, and these gentlemen here know it perfectly well. Of course, there is heavy traffic at times on account of these chemical factories, the fertilizer plants, the Standard Oil Co. The Reading unloads its coal around Elizabeth. Of course, there is a good deal of that traffic on the Jersey side, but you will never have any trouble about getting through there on account of any congestion, the way barges and boats and tows are going at the present time.

Now, what is it—I want to drive this home plainly—what is it that is going to interfere so seriously with this marvelous flow of world traffic down in these swampy districts of the west shore of Staten Island? We have heard that there were to be large quantities of barges, these flat-bottomed barges to be covered with garbage.

They have talked to you repeatedly about there being an average of nine scows, and Mr. Van Name repeatedly referred to an average of nine scows, so that I would not be surprised if you believed it, because you have heard nothing to the contrary. The street cleaning commissioner of New York City is probably as good an authority as anyone on that proposition. The street cleaning commissioner of New York City states that at the peak load, which is in the summer time, there is an average of six barges in every 24 hours, with many months of the year running four barges, probably an average of approximately five barges, and what is more, these barges are required by the street cleaning commissioner to run by night, which means that a substantial portion of this terrible congestion of commerce in the Arthur Kill will not be interfered with seriously by five barges going down through that barren waste.

Now, gentlemen, refer back to Congressman Small's proposition, is this an unnecessary obstruction to commerce? I have referred to facts, five barges every 24 hours going down through the Arthur Kill, is that such an unreasonable, unrestrained, substantial interference with legitimate commerce as to invoke your jurisdiction, so that in order to accommodate this population of one inhabitant to every acre, you have got to make legislation which will affect a large portion of the large and important commercial cities of the United States, and abrogate existing contracts. Now, that is a remarkable proposition.

I have referred to Congressman Small's proposition as to unnecessary obstruction to commerce, and if my statement regarding the character of the garbage contract is correct, this is a case of commerce interfering with commerce. If it be conceded, as I understand several of the Congressmen have already practically admitted, necessarily, that this is a commercial proposition, do I understand that these gentlemen are warranted in asking for legislation in effect that certain portions of commerce shall be excluded in order to help other portions of commerce? Do I understand that if this particular plant is established, which is to be one of the greatest industries on the Arthur Kill, shipping 33,000,000 pounds of grease annually throughout the world, and also shipping out all of this tankage running into very large sums of money annually, one of the most important industries in dollars and cents, do I understand for the benefit of these New Jersey odorless, may I say, chemical plants and fertilizer plants and the other delightful, odoriferous plants over there, which the gentlemen from Elizabeth want to protect, that this huge enterprise, which looks to the health and welfare of New York City, is to be wiped off the map?

Now, gentlemen, only one word in passing on the question of nuisance which has been covered. If this plant is to be a nuisance, it can be enjoined, and let me say in plain, terse English, I do not think you think that these gentlemen, who are men of some standing, are fools enough to expend or invest $2,000,000 in a plant which is going to be, when built, enjoined by the courts as a nuisance. Let me say further, that Mr. Tribus was worried for fear you would not act before we had done something. We have already disbursed—please note this—in actual cash or entered into firm, contractual commitments for over $1,000,000. We have entered into a contract with

the city of New York in good faith. We have performed that contract up to date. We have shown evidence of our intention to perform. We have expended our money and we propose to build a $2,000,000 plant, of which more than one-half has already passed beyond our reach.

Now, with reference to the transportation of these scows: Mr. Van Name, if I mistake not, unless he corrected himself later, said in answer to one of the Congressmen that these would be flat scows. He assumed, I suppose, that there would be dropping off from the sides and little boats would be following them up and down the river to gather up the garbage falling off. The simple answer to that is that there is not a word of truth in it. They are not to be flat scows. We are buying them and we know, and Mr. Van Name does not. They are to be box scows. The street cleaning commissioner has the power to force us to cover them and, in all human probability, they will be covered. If the city of New York desires to remove any possible question whatever about any odor from the scows themselves, they can, by the expenditure of $300,000 only—and we are paying them $900,000—equip our scows with steel sealed containers so that there can be no odor whatever from these scows. Therefore, it is a proposition which answers itself, whichever alternative you take. Now that is the practical view of the question.

I would like, happening to be a lawyer, to discuss some other phases of this bill, if you gentlemen were taking it seriously, and I can not believe that you are. I would like to discuss it from a constitutional point of view. I will do no more than refer to two items. This bill provides that no city contiguous to waters controlled or owned or operated by the United States Government can transport its garbage, etc., over those waters. How about a city just off the bay, just off the river, just a little bit inland, running its garbage by wagons or short trolley lines down to the water and transporting its garbage over waters controlled or owned or operated by the United States Government? If that be true, I submit it to any of you gentlemen who chance to be a lawyer, whether or not you think that would be unconstitutional on account of being discriminatory.

Let me raise another question. If this bill happened to become a law, the contracts which may be existing in San Francisco and in Boston—and Boston, in fact, is taking its garbage out on an island now, and it has a 10-year contract, as I happen to know—if this bill became operative what about the existing, outstanding contracts in large cities throughout the United States now in force? The plain answer to that is, it would be violating those contracts and impairing existing contracts, and consequently unconstitutional.

Now, gentlemen, with all loose verbiage thrown aside, these gentlemen have no more interest in the possibilty of an interference with commerce due to this enormous congestion in this populous, swampy district of the west shore of Staten Island than some man in the trenches of Europe to-day. As they have been forced to admit to you, the plain unvarnished English of it is that they do not propose to have a garbage plant on Staten Island. I am sorry to say that Mr. Van Name, the borough president of Richmond, has gone so far as to say that it shall not be put there, and that if it is put there, it will be dynamited or blown up, and that the life of the man who

attempts to build that plant there will not be safe. That is unworthy of any borough president of the greater city of New York. Now, that is the animus and that is the motive that is offered to you gentlemen to-day. The bill as drawn is ill conceived. It has an improper motive, and it is far-reaching in its effects throughout the United States. It is all for the benefit, in truth, of this one human being per acre on the swampy marshes of the west shore of Staten Island. In all seriousness, gentlemen, I ask you is that worthy of your serious consideration?

I thank you.

Mr. SMALL. Is there any other gentleman who desires to be heard?

Mr. TRIBUS. Mr. Chairman, I would like to speak on one or two points that Mr. Lewis has spoken of, perhaps, inadvertently.

Mr. SMALL. How much time do you desire?

Mr. TRIBUS. I think two minutes will cover all of it. One point is this: He is absolutely correct on this point, that in all of the hearings all the people representing Staten Island interests have virtually agreed that the operation of the plant as a plant need not be a nuisance. But we have been absolutely consistent in contending in every hearing that the transportation or movement of scows of filth through those miles of waterways would be a nuisance. The next point is this: I do not have the file here with me, but there have been many well-written editorial articles in the different leading New York papers that have expressed the view that the proper plan for handling this problem was to have scattered plants throughout the different boroughs, each borough taking care of its own territory, district by district. The next point is this: That this is the first information we have had that the city of New York or the street-cleaning department has employed any experts to advise Mr. Fetherston about this problem. We have not known of the employment of a single expert in the preparation of the contract.

Mr. LEWIS. Yes; they employed Mr. Osborne.

Mr. TRIBUS. Mr. Osborne was employed to report on another plant, and he published his report before this contract was being considered.

Mr. LEWIS. This was afterwards.

Mr. TRIBUS. If Mr. Osborne has been employed since then I did not know it. Mr. Fetherston, who is an excellent man, got practically all of his knowledge of street cleaning in my own office. I assigned him to work, and I am proud of Mr. Fetherston. He has become one of the leading experts on this subject. So far as we know, not a single expert who has been called in for New York City or the contractors has publicly come out and advocated this project or the contract that the city of New York entered into. Now, there is one other point that has not been brought up here to-day, and the reason, I think, is that it is extraneous to the matter before the committee. That point is that some of the litigation or applications for injunction were pending before the execution of that contract, and by what we must call very clever parliamentary practice the board of estimates authorized the execution of the contract while they knew that there was an injunction proceeding pending, and that the order which would enjoin the execution of that contract had probably been signed. Residents of the Borough of Richmond were there for a hearing and were virtually being heard, but they were

held off until after the resolution authorizing or directing the street-cleaning commissioner to enter into that contract had been passed. It was very clever parliamentary practice, but we do not think it was good treatment of one of the boroughs of that city. That is entirely extraneous to this discussion. Now, as to the $900,000 coming to the city treasury, that money goes to the street-cleaning pension fund for three boroughs of the city. Richmond and Queens get nothing out of it for their street-cleaning employees. It is not a general city benefit and it does not benefit the treasury of the city one dollar. The pension funds of the city, according to the report to be made within two or three days, will be some $240,000,000 in the hole, so that this $900,000 will not help much.

Mr. LEWIS. Mr. Chairman, in answer to the last remark about the fund of $900,000 going to the pension fund instead of to the city, I want to say that that is like saying six is not half a dozen. The city of New York for many years had adopted the pension-fund system, and it has provided that those funds shall come from various sources of revenue. It is under a moral obligation, as a part of the city's policy, to pension the city employees in the various departments, under varying conditions. One source of income to the city employees in the street-cleaning department is the revenue derived from garbage. If garbage were not a source of revenue, those funds would have to be provided from other sources. Therefore it is simply a question of tweedle-dee and tweedle-dum.

There is one other question: One of the gentlemen here asked me in justice to himself—and I think I can safely make the same statement as to all the others here from Staten Island, with the exception of Mr. Van Name—to make it plain to you gentlemen that the reference to the strong methods to be used, or perhaps, I might say, the anarchistic methods which might be employed if this plant were built, are not in anywise to be attributed to these other gentlemen here. It is with great pleasure that I say that I have never seen any evidence of motives along lines of a questionable character on the part of these gentlemen.

In the same manner, I might say that in the stress of overzealous and questionable tactics to score a point, one of the attorneys in trying to secure the same result that this Staten Island gentleman tried to secure, although he was not associated with them, I am pleased to say, was last Friday arrested for perjury. He spent 36 hours in jail, had his hearing yesterday in New York City on the charge of perjury, and was held by the magistrate for perjury. His bail was increased to $7,500 and he was bound over to the grand jury.

Mr. ULLMAN. Mr. Chairman, may I correct what I think is a bad impression made with reference to the character of this location on Staten Island Sound? Mr. Lewis has referred to it as swampy land. I have here a letter from a member of the Cabinet which, I think, in some ways shows an interest in that particular swampy location. In order that you may have full information on the subject, I will read to you a part of a letter written by Mr. Redfield, the Secretary of Commerce. I wrote to him on the 31st of January, 1916, relative to selecting a particular location in the vicinity where this garbage plant is to be located for a free port. I would like you to know the specific conditions covering that location. It has a bear-

ing on this question for the reason that future industrial development will necessarily increase the traffic in the Staten Island Sound and Kill van Kull, and with your permission I would like to read it.

The area available for a free port within the Borough of Richmond is bounded on the north by the Staten Island Sound, on the west by the Fresh Kills River (a navigable stream several miles long), and as far east as the Baltimore & Ohio Railroad bridge crossing the Staten Island Sound at a point nearly opposite Elizabethport, N. J. The conditions that apply to this area for the proposed free port are—

First. It is the largest available undeveloped area for a free-port zone, comprising from 1,000 to 5,000 acres, with deep-water facilities within the city of New York.

Second. It is now immediately accessible, with a large trunk-line railroad, and is capable of being connected directly with other large transcontinental railroads via bridge, tunnel, or float service.

With reference to the last point, since then a survey has been made for one of the largest railroads in the country, and it is proposed to build a line of railroad along the shore.

Third. It is the lowest-priced acreage with tidewater facilities within the harbor of New York.

Fourth. This territory is the largest and most available in the port of New York for steel and iron industries, and where the raw product may be received direct from the Lake Superior and Champlain ore districts, and from Cuba and South American countries.

Fifth. This location lies in a direct path with the barge canal via the Hudson River and the proposed intercoastal canal.

Sixth. It is available for trans-Atlantic and coastwise steamers to and from the Atlantic Ocean by two channels.

Seventh. Recognizing the present conditions and future demands of the Staten Island Sound, Arthur Kill, etc., the Federal Government has provided millions of dollars for past and continuing improvements. (Rept. 958, 63d Cong., 3d sess., pp. 67–69, inclusive; also H. R. 20189, p. 47, line 21, 63d Cong., 3d sess.)

Eighth. The Staten Island Sound affords a natural and protected inland harbor for terminal purposes, and navigation would not interfere with other sections of New York Bay, where traffic conditions are very much congested.

Ninth. The great length of water-line frontage would permit fore and aft landings, although at a comparatively low cost it is possible to excavate from the sound inland, so as to permit the dockage of large vessels at several points where small tidewater creeks now prevail.

In answer to that letter, I received this letter from Secretary Redfield:

DEAR SIR: I am pleased to acknowledge the receipt of your letter of January 31 relative to a desirable location for a free zone within the port of New York, and wish to say that I am greatly interested in your description of the site on Staten Island Sound adjacent to the Baltimore & Ohio Railroad bridge.

I appreciate your thoughtfulness in writing me fully on this subject.

Sincerely, yours,

WILLIAM C. REDFIELD, *Secretary.*

I am not violating any official confidence in making this letter public. The Chief of the Bureau of Foreign and Domestic Commerce has also written me upon the same point. The dock commissioner of the city of New York, in 1910, laid out that section, specifically designating the Fresh Kills River as a factory-site section to be developed by the city of New York. I have the official map here, and, if it is a matter that would aid you, so far as the record is concerned, I would like to have it placed in the record, if you will so order.

Mr. SMALL. We will not be able to print the map.

Mr. ULLMAN. I thought perhaps you would like to have it filed.

Mr. GREVE. Mr. Chairman, it seems from that letter that he admits there is no congestion in the Kill Van Kull.

Mr. RIORDAN. Mr. Chairman, I think that closes the hearings, and, on behalf of the people who have journeyed here from Staten Island, also from my experience in Congress—knowing what it means to get a hearing from a committee on the 26th of July—and from a little talk we had together at luncheon, I was instructed to say, both for myself and for the committee from Staten Island, that we are especially grateful for the committee giving us so much time and attention, we hope you will take the hearings and consider them very carefully, and we will, of course, be subject to your judgment.

Mr. COSTELLO. Mr. Chairman, it appears that both sides to this controversy are willing to have this matter submitted to the Secretary of War for an investigation and a report.

Mr. RIORDAN. I do not think that is just the fact. I think they would be willing to have it submitted for investigation and report, and both sides to have the right, of course, to review the report——

Mr. COSTELLO (interposing). And have further hearings, if you desire.

Mr. RIORDAN. Not necessarily further hearings, but the right to submit a brief. I am sure the opponents would like to have the right to oppose the matter if the Secretary of War should agree with us, and I am sure we would like to have the same right.

Mr. COSTELLO. As I understand, there is no objection to submitting it to the Secretary of War for investigation and report.

Mr. RIORDAN. None at all.

Mr. COSTELLO. Then I make a motion to that effect.

Mr. HULBERT. Before that motion is put, there were several other members of the New York delegation here to-day, whose duties have called them to other places. I do not know whether any of them cared to say anything or not. Those present were Mr. Conry, Mr. Farley, and Mr. Caldwell.

Mr. RIORDAN. Also Mr. London, Mr. Maher, Mr. Patten, and Senator O'Gorman.

Mr. HULBERT. I would merely ask that they be permitted to file a statement if they so desire.

Mr. LEWIS. Do I understand that Senator O'Gorman appeared in behalf of the proponents of the bill?

Mr. RIORDAN. We do not say that, at all.

Mr. HULBERT. I did not say for whom they appeared, but I said they were here, and if they desire to file a statement I want to give them an opportunity to do so, because that is the custom in this committee.

Mr. SMALL. If there is no objection, this bill will be referred to the Secretary of War for investigation and report, and in justice to the proposition he will be asked to recommend, if in his judgment it is proper to do so, any substitute for this bill, so that we may have full latitude in the matter.

Mr. CHITTENDEN. Mr. Chairman, may I submit two letters, one from the mayor of the city and the other from Commissioner Fetherston, addressed to the chairman, and may I also have permission to forward from New York copies of certain affidavits which I did not take the time to read here? (See Appendix "A.")

Mr. SMALL. The committee will be content with whatever you say about that. Are they material?

Mr. CHITTENDEN. I think two or three of them are. There will not be more than three.

Mr. SMALL. You may submit them.

Mr. LEMAN. Mr. Chairman, may I also submit a statement in reference to Commissioner Fetherston, to the effect that he stated that Staten Island Sound was not the logical or proper place for the location of this plant? (See Appendix "B.")

Mr. LYNCH. Mr. Chairman, I want to refute any imputation against the representatives from New Jersey as to their sincerity with regard to this matter affecting navigation on Staten Island Sound, and I want to ask the privilege of presenting further data for the record of this hearing, if that is in order.

Mr. SMALL. If you have any material data you may submit it, but I do not think you need have any fear about any bad faith being imputed to anybody.

Mr. LEWIS. I did not.

Mr. SMALL. The committee has no fear along that line, and without objection the hearings will be closed.

(The committee thereupon adjourned.)

APPENDIX "A."

COMMUNICATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RIVERS AND HARBORS REGARDING H. R. 16893.

WEST NEW BRIGHTON, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman River and Harbor Committee,
House of Representatives, Washington, D. C.

DEAR SIR: I most respectfully request you to sign bill H. R. 16893, which will be the saving of this borough from the contamination of filth. You are practically our only salvation; otherwise our lives and the lives of our children are in danger and our property ruined.

F. A. VERDON.

CARTERET, N. J., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman River and Harbor Committee,
House of Representatives, Washington D. C.:

We are heartily in favor of bill, H. R. 16893, prohibiting the use of harbors, rivers, canals, etc., for the transportation of waste material collected from cities contiguous thereto, and ask that you use your best efforts to secure passage of said bill.

WHEELER CONDENSER & ENGINEERING CO.

WEST NEW BRIGHTON, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

By approving bill No. H. R. 16893 you will have the everlasting prayers of a mother of several children. We are now in the midst of a plague called infantile paralysis and there is no denying the fact that if the garbage proposition is put on this island it will be a whole lot worse. I therefore pray you to pass this bill.

MRS. ELIZABETH MCROBERTS.

WEST NEW BRIGHTON, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

I respectfully urge you to approve bill H. R. 16893, which particularly refers to this borough, and by doing so you will have the everlasting prayers of the people of this borough.

JOHN MCROBERTS.

NEW YORK, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

We wish to express our approval of bill H. R. 16893 and earnestly request your favorable consideration of the same.

SAFETY INSULATED WIRE & CABLE CO.

ST. GEORGE, STATEN ISLAND, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

Bill H. R. 16893 will save Staten Island from the garbage nuisance by preventing the hauling of garbage through the Kills.

W. H. BURNETT.

STAPLETON, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

Staton Island's industries join with its people in asking your support on bill H. R. 16893, intended to save Staten Island from destruction by preventing the proposed endless haul of filthy, germ laden, disease breeding garbage scows from other boroughs through the narrow waters of the Kill Van Kull.

NEW YORK & RICHMOND GAS CO.,
WM. J. WELSH, *President.*

LINOLEUMVILLE, STATEN ISLAND, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR MR. SPARKMAN: I heartily approve of bill H. R. 16893, referring to tows through rivers, etc., and urge you to use every endeavor to secure its passage.

Yours, truly,

AMERICAN LINOLEUM MANUFACTURING CO.,
JOHN B. PEARSON, *Superintendent.*

NEW YORK, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We respectfully urge you to secure the passage of bill H. R. 16893, and oblige,

Yours, very truly,

MONROE ECKSTEIN BREWING CO.,
S. ECKSTEIN, *President.*

NEWARK, N. J., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We heartily approve of H. R. 16893 and would ask you to use all the influence you have, if you feel you can justly do so, toward the passage of this bill. We certainly shall appreciate any efforts in our behalf.

Yours, very truly,

CLARK & CO.,
Per T. M. CLARK, *President.*

PERTH AMBOY, N. J., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR SIR: We respectfully request and urge you to do everything possible to insure the passage of bill H. R. 16893.

Yours, very truly,

STANDARD UNDERGROUND CABLE CO.,
C. C. BALDWIN, *Vice President.*

ST. GEORGE, STATEN ISLAND, *July 25, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

Kindly use your best efforts to secure the passage of Riordan bill (H. R. 16893) prohibiting the transportation of waste material on harbors owned, operated, or maintained by the United States.

HENRY BRENDGEN.

ST. GEORGE, STATEN ISLAND, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

The Staten Island Civic League would respectfully urge you to do what you possibly can to secure the passage of bill H. R. 16893, which it heartily approves. One hundred Staten Islanders join with me in thanking you in advance. We hope to receive word from you that through your kind efforts the bill has passed.

Yours, very truly,

ROBERT T. CONE,
Field Secretary.

TOTTENVILLE, STATEN ISLAND, *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

We are deeply interested in and earnestly urge you to secure the passage of bill H. R. 16893. It means salvation for this borough.

TOTTENVILLE NATIONAL BANK.

ST. GEORGE, STATEN ISLAND, N. Y., *July 24, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

Bill H. R. 16893 will save Staten Island from the garbage nuisance by preventing the hauling of garbage through the Kills.

W. H. BURNETT.

NEW YORK, *July 25, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee, Washington, D. C.

Your influence to secure passage of bill (H. R. 16893) will be highly appreciated. We use the Kill von Kull and Arthur Kill for ocean traffic from Nova Scotia. Congestion caused by garbage tows considered hazardous to navigation.

J. B. KING & CO.

NEW YORK, *July 25, 1916.*

Hon. STEPHEN M. SPARKMAN,
Washington, D. C.:

We highly approve bill H. R. 16893 and beg that you will exert your influence in its favor.

I. T. WILLIAMS & SONS.

There is to be a hearing Tuesday, July 25, before the Rivers and Harbors Committee on the inclosed bill to prevent the needless obstruction to necessary navigation by the towing of garbage in the United States waters. Will you write or telegraph your approval of the bill to chairman, Stephen M. Sparkman, House of Representatives, Washington, D. C.

(Copy of H. R. 16893 follows here.)

Has our hearty approval.

ARTHUR KILL TOWING LINE,
Tottenville, N. Y.

FLUSHING, N. Y., *July 25, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR SIR: In reference to H. R. 16893, I wish to approve any act of Congress that will tend to reduce the use of the rivers and harbors and canals as a means for the conveying of sewage or refuse or waste material from our cities. I believe that the waste material should be utilized either for filling or such by-products as there may be for heat generating, etc.

Yours, truly,

H. L. DES ANGES.

BALTIMORE & PHILADELPHIA STEAMBOAT CO.,
Philadelphia, July 25, 1916.

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR SIR: I wish to state that the passage of H. R. 16893 would be very beneficial to the interests of navigation, and I trust same will be passed by the present Congress.

Yours, truly,

F. S. GROVES, *Agent.*

PERTH AMBOY, N. J., *July 25, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.:

We, the undersigned manufacturers representing 40,000 employees and families living adjacent to the banks of the Staten Island Sound, respectfully request your earnest efforts in passing H. R. 16893, by Mr. Riordan. We are sending Hugh Lynch, secretary Perth Amboy Board of Trade, to represent the manufacturers in this district who are deeply interested in the passage of the bill.

GENERAL BAKELITE CO.
PERTH AMBOY CHEMICAL CO.
RARITAN COPPER WORKS.
ROESSLER & HASSLACHER CHEMICAL CO.
STANDARD UNDERGROUND CABLE CO.
UNITED LEAD CO.

NEW YORK, *July 25, 1916.*

Hon. STEPHEN M. SPARKMAN,
Washington, D. C.:

We highly approve bill H. R. 16893 and beg that you will exert your influence in its favor.

GEO. D. EMERY CO.

WEST NEW BRIGHTON, STATEN ISLAND, N. Y., *July 25, 1916.*

STEPHEN M. SPARKMAN,
Washington, D. C.

DEAR SIR: The trustees of the Richmond County Savings Bank, representing 5,700 depositors, approve and earnestly urge you to secure the passage of bill H. R. 16893.

Respectfully,

GEO. H. TREDWELL, *Cashier.*

ST. GEORGE, STATEN ISLAND, N. Y., *July 26, 1916.*

Hon. STEPHEN M. SPARKMAN,
Committee on Rivers and Harbors, Washington, D. C.:

This bank with over $3,000,000 loaned on real estate in the Borough of Richmond, ask your approval of bill No. 16893, to prohibit the use of harbors, etc. The proposed garbage-reduction plant would seriously imperil our interests.

STATEN ISLAND SAVINGS BANK.

STAPLETON, N. Y., *July 26, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
Washington, D. C.

MY DEAR SIR: This bank sent a telegram to you this morning as follows:

"This bank with over $3,000,000 loaned on real estate in the Borough of Richmond asks your approval of bill No. 16893, to prohibit the use of harbors, etc., The proposed garbage-reduction plant would seriously imperil our interests."

The explanation of the above is this: The proposed effort to locate a garbage-reduction plant for the handling of 2,500 tons, increasing possibly to 4,000 tons, per day, is considered dangerous to health, comfort, peace, and quiet of our community and dangerous to the lives of those who work in such plant.

Our Representative, Mr. Riordan, knows about this matter and we think that the committee who saw you this morning has presented the subject in a very forceful way.

We therefore trust that you and your associates will give us the proposed relief which we anticipate from such a bill.

With our compliments and best wishes, we are,

Yours, very truly,

STATEN ISLAND SAVINGS BANK,
E. C. BRIDGMAN, *President.*

The actual working of the plant may not be so bad, but the transportation of such a vast quantity of offensive material will be a nuisance, unwholesome, and possibly a serious menace to health.

DEPARTMENT OF STREET CLEANING,
New York July 25, 1916.

CHAIRMAN COMMITTEE ON RIVERS AND HARBORS,
House of Representatives, Washington, D. C.

DEAR SIR: My attention has been called to the provisions of Bill H. R. 16893, and wish to present for consideration the following facts:

(1) The city of New York is required to dispose of the waste materials from 5,000,000 people, and the total quantity collected and disposed of per annum, in round figures, aggregates 10,000,000 cubic yards.

(2) By present methods the bulk of this material is transported on scows. About 800,000 cubic yards of garbage per annum is now sent to a reduction works on Barren Island.

(3) Nearly 6,000,000 cubic yards of ashes and street sweepings (animal waste) are now transported by scows to various points of disposal over Government controlled waterways. This would be prohibited under the terms of the bill.

(4) No alternative practical and economical methods of disposal are available which would obviate the necessity for transporting the foregoing amounts of material by scows to disposal works, land fills, or otherwise over navigable streams, harbors, canals, etc.

(5) The enactment of this bill would be disastrous to the health not only of the people of New York City but to residents of other cities on Government controlled waterways throughout the United States.

(6) The transportation of waste materials from New York City affected by the terms of this bill does not now nor has it constituted any obstruction, injury, or interference to the navigable waters of the State, nor any obstruction to the commerce thereon.

Yours, truly,

J. T. FETHERSTON, *Commissioner.*

NEW YORK, *July 25, 1916.*

Hon. STEPHEN M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
House of Representatives, Washington, D. C.

SIR: My attention has been called to a bill, known as H. R. 16893, to prohibit the use of harbors, rivers, canals, etc., owned, operated, or maintained by the United States to vessels for the transportation of waste material collected from cities contiguous thereto.

This bill, if enacted into law, would prohibit the transportation of animal, fruit, or vegetable wastes collected from cities upon harbors, rivers, canals, etc., under the control of the Government. New York City is so situated that it is essential for the health of the people to use the adjoining waterways for the transportation of refuse material, and most other large cities in the United States bordering on navigable streams would be placed in a precarious condition if this bill were approved by the legislative bodies in Washington. The cities of Boston, Chicago, St. Louis, Baltimore, and many others, I am informed, use navigable waterways for the transportation of refuse materials, while nearly every city on a navigable stream transports manure by barges to points of disposal.

I can not believe that your committee will seriously consider the approval of a bill such as this, which would injuriously affect, in a vital matter, the health of so many people living in cities bordering on harbors, rivers, or canals under control of the United States authorities.

Yours, very truly,

JOHN PURROY MITCHEL, *Mayor.*

CHARLESTOWN, MASS., *July 24, 1916.*

Chirman STEPHEN M. SPARKMAN,
House of Representtives, Washington, D. C.:

Most strenuously object H. R. 16893.

P. O. RIORDEN.

NEWARK, N. J., *July 24, 1916.*

Mr. STEPHEN M. SPARKMAN,
Chairman Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Will you favor this board by filing an emphatic protest against the bill H. R. 16893, introduced evidently to prevent the city of New York from locating a garbage incinerating plant at a point in Staten Island within the confines of the city of Greater New York?

It is an economic necessity for such a plant to be located at some point within the great city, and aside from the protest of a few property owners, whose imaginary fears have run away with their judgment, the point of location is perhaps as good as any other that could be made by the officials of the city of New York, whose responsibility it is to dispose of waste materials.

If the bill became a law it would be a problem to know what could be done with hides and other animal matter from the abattoirs of New York. It would involve shipping from Mexican, South American, and other foreign ports in the delivery of bones, hides, and animal matter used in various industries.

The respectful consideration of your committee is requested.

BOARD OF TRADE OF THE CITY OF NEWARK,
JAMES M. REILLY, *Secretary.*

NEW YORK, *July 24, 1916.*

HON. STEPHEN M. SPARKMAN,
House of Representatives, Washington, D. C.

MY DEAR SIR: My attention has just been called to a bill, designated H. R. 16893, and designated "A bill to prohibit the use of harbors, rivers, canals owned, operated, or maintained by the United States to vessels for the transportation of waste material collected from cities contiguous thereto," and I have just wired you as follows:

"My attention has been called to bill H. R. 16893 prohibiting the use of harbors, etc., for transportation of waste material collected from cities contiguous thereto. At the present time the enormous amount of bone, tallow, grease, animal tankage, hides, cuttings of butchers' shops collected within the corporate limits of New York are conveyed to corporations located at points reached by transportation over waters of the harbor and rivers adjacent thereto. Enactment of the proposed law would probably make it illegal to remove from the city of New York any of such products. They can not be so removed except by water. Moreover, the city has a law making it illegal to operate rendering companies within its limits. If proposed bill becomes a law, while products of abattoirs, slaughterhouses, and butcher shops, can not be disposed of in the city of New York they can not be removed therefrom. You will redily see the result will be most injurious to the citizens of New York and disastrous to large companies at present operated in its interests. I wish to enter a strong protest against the passage of the proposed bill, and submit that it falls under a class of legislation special in its nature whose result will in no respect be beneficial but will work great injury to the city and large and important business interests."

One of the largest and most progressive companies in the State of New Jersey is Listers Agricultural Chemical Works, located at Newark, N. J. This corporation and its predecessor, the Listers Bros., have been in business at the present point for about 50 years. The company manufactures fertilizer, boneblack, grease, glue, and other products. For nearly 50 years it has either collected or received the cuttings from butcher shops, which are removed from the streets of the city of New York in closed conveyors, placed on board boats belonging to the company, and taken to its plant on the Passaic River in the city of Newark. This business is conducted and has been for years without the slightest reproach from the board of health or any other board. The city of New York has a staute or ordinance making illegal the boiling or rendering of bone and other refuse from butcher shops, slaughterhouses, etc., which must absolutely be disposed of, provided the health of the citizens of New York is to be protected.

The passage of this act, therefore, presumably might prevent Listers Agricultural Chemical Works and other companies from removing the refuse referred to from the City of New York, thereby working disaster to numerous prosperous business concerns. In addition, such refuse would be left within the city of New York, where it can not be disposed of, with but one result, injury to the health of the citizens of the metropolis. The merchandise so transported by Listers Agricultural Chemical Works is worked up at once into glue, grease, bone black, gellatin, etc.

It seems to me that the party introducing the bill in question could not have understood its effect and application.

I desire to protest, through you, to the committee, against the passage of the bill in question, on the ground that it is unnecessary, and if passed, can work only disastrous results to very large and extensive business interests conducted without reproach, and also to the well-being of the city of New York and its inhabitants.

Very truly, yours,

JAMES M. GIFFORD.

NEW YORK, *July 25, 1916.*

HON. STEPHEN M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
Washington, D. C.

The New York Boat Owners Association, representing more than 150 of the leading companies engaged in marine transportation in the port of New York, owning and controlling over 2,000 commercial vessels respectfully protest against the passage of H. R. 16893. Letter of protest following.

NEW YORK BOAT OWNERS ASSOCIATION,
ERNEST STAVEY, *Secretary.*

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 25, 1916.

HON. S. M. SPARKMAN.
House of Representatives, Washington, D. C.

DEAR MR. SPARKMAN: H. R. 16893 seems to prohibit the use of harbors, rivers, canals, etc., owned, operated, or maintained by the United States to vessels for the transportation of waste material collected from cities contiguous thereto.

I do not understand this bill at all. It is not the transportation of waste material, but the dumping of it which seems to be injurious to rivers and harbors. I have a very strong protest by telegraph as follows:

"Hope you will enter vigorous protest against H. R. 16893, as it would seriously affect the great city of New York and Newark because of the enormous amount of bone, tallow, grease, animal tankage, hides, and fertilizer materials of all kinds produced from the abattoirs and slaughterhouses of above-named cities. In addition to above there are enormous quantities of these products shipped from South America and Mexico and all other parts of the world to the great city of New York to be distributed from there to other cities by boats, barges, scows, etc. Otherwise they would remain in the city of New York and become a nuisance and detrimental to public health, as there are no manufacturers there to make them up into a finished product. Anything you can do to prevent the passage of this bill will be appreciated."

I hope I can assure my friends that there is no chance whatever of the passage of this bill.

Yours, very truly.

R. WAYNE PARKER.

NEW YORK BOAT OWNERS' ASSOCIATION (INC.),
July 25, 1916.

HON. STEPHEN M. SPARKMAN,
Chairman Committee on Rivers and Harbors,
Washington, D. C.

SIR: The New York Boat Owners' Association, of 80 Broad Street, city of New York, composed of over 150 members, who own and control over 2,000 commercial vessels, including tugboats, scows, coal boats, and lighters, respectfully protest against the passage of bill H. R. 16893 for the following reasons:

First. That this legislation defeats the purpose of home rule.

Second. That the refuse of the city of New York is now handled in the cleanest and least objectionable manner possible under the now existing conditions.

Third. That it would deprive the city of New York of a very handsome revenue.

Fourth. That at this time there is in New York Harbor a steamship, the *Van Haven Draf*, having on board 500 tons of decayed bananas. These bananas are to be loaded into dump scows and towed to sea, 6 miles southest of Scotland Lightship, or about 35 miles from the city. Similar cases occur several times each month. The city of New York will not handle this decayed fruit, and were the adjacent waterways closed to its transportation what would be done with it?

Fifth. As a concrete instance of what has occurred and what may occur again we recite the following:

During the month of May, 1915, the steamer *Christianford* was berthed at one of the piers in South Brooklyn. She had on board about 600 tons of decayed fish. The residents of the section in the vicinity of where the steamer was docked protested because of the odor. The board of health of the city of New

York placed the disposition of the cargo in the hands of the United States marshal, who arranged for its unloading and towage to sea. Were this proposed bill a law the United States marshal would not have been able to dispose of this spoiled fish, as the board of health had refused to allow it to be carted through the streets. What other disposition could have been made of this cargo?

Sixth. If the city had its own incinerating plants and because of strikes, lack of fuel, or in the event of some calamity which would cause these plants to become inoperative, and with the proposed bill a law, the city refuse would accumulate and sickness and disease would quickly cause great loss of life. Surely there are other ways open to the residents of Staten Island to keep the proposed garbage plant from the shores of that borough than to have this law enacted. For the above reasons and others too numerous to mention, and that because of the so far-reaching effects of such drastic legislation that all sections of the country may be given an opportunity to be heard pro and con, we respectfully ask that the bill H. R. 16893 be not reported favorably by your committee.

Respectfully submitted.

FRANK F. GALLAGHER, *President.*

APPENDIX "B."

AFFIDAVITS AND CORRESPONDENCE FILED BY MR. TRANCIS F. LEMAN, COUNSEL FOR THE ALLIED CIVIC ASSOCIATION OF RICHMOND BOROUGH.

NEW YORK, *July 28, 1916.*

Mr. WILLIAM CURTIS BROOKER,
Clerk to the River and Harbor Committee,
House of Representatives, Washington, D. C.

DEAR SIR: Agreeable to the privilege extended by the chairman of the committee at the conclusion of the hearing held on Wednesday last, July 26, 1916, in the matter of H. R. 16893, I am herewith inclosing for the record, in reply to communications filed by the opponents of the bill, the copies of affidavits of Louis A. Dreyfus, Anning S. Prall, William Wirt Mills, and Charles B. Dullea, and also copies of letters addressed by J. T. Fetherston, commissioner of street cleaning, to Mr. Carl A. Greishaber, all of which support the contention of the proponents that Staten Island is not the proper or logical site for the proposed garbage-disposal plant.

I am obliged to send copies of said documents, because the originals are filed in the office of the county clerk of New York County and can not be removed therefrom. If certified copies are needed by the committee for the record, I will be pleased to furnish same,

Very respectfully,

FRANCIS F. LEMAN,
Counsel for the Allied Civic Association of Richmond Borough.

DEPARTMENT OF STREET CLEANING,
New York, March 25, 1916.

Mr. CARL F. GRIESHABER,
No. 4 East Thirty-ninth Street, New York, N. Y.

MY DEAR MR. GRIESHABER: Your letter of March 24 received. I have advocated the establishment of a garbage plant on Rikers Island, as I believe this is the logical place for such an establishment, provided no public nuisance will be created thereby. The proposals received, both for Rikers Island and Staten Island, contemplate the use of a new system, which, in my opinion, will not result in the creation of nuisance through the escape of odors or gases. The board of aldermen refused to approve the location of a garbage plant on Rikers Island, and action on the Staten Island project is at present held up by an injunction. The people of the Rockaways likewise protest equally strongly against locating a garbage plant at Barren Island, as have the people of The Bronx and Queens against Rikers Island and the people of Staten Island against the location on Arthur Kill. Undoubtedly any other proposed location for the garbage plant would result in objections by those in the locality concerned. At the same time, the city must provide means for disposing of garbage beginning January 1, 1917, and the convenience as well as the health of

5,000,000 people depends upon securing adequate means for the disposal of this class of city wastes.

As commissioner of street cleaning, I can not allow personal preference to interfere with my duty to the community which I serve, and I am making every effort to carry out a logical plan for the treatment of city wastes. I do not know just what will come out of the situation, as the whole matter is very uncertain.

Yours, truly,

J. T. FETHERSTON, *Commissioner.*

DEPARTMENT OF STREET CLEANING,
New York, March 30, 1916.

Mr. CARL F. GRIESHABER,
4 East Thirty-ninth Street, New York, N. Y.

MY DEAR MR. GRIESHABER: There is little chance of the city changing the location of the garbage plant to Barren Island, as the board of estimate and apportionment decided to exclude the confines of Jamaica Bay as a site for such a plant, and this provision is contained in the contract under discussion.

I do not feel that flies from scows during transportation will be a source of nuisance. For 20 years such scows have been towed on the bay, going to and from Barren Island, and for the past two years, at least, not a single complaint has been received at this office concerning smells or flies from scows in transport.

I realize the situation of the Staten Island people, and can not blame them for objecting to the project. If I could locate the plant on Rikers Island, I would do so, as this is the most suitable, economical, and available location for such works.

Yours, truly,

J. T. FETHERSTON, *Commissioner.*

New York Supreme Court, Richmond County. Azel F. Merrell, plaintiff, *v.* John Purroy Mitchel, as mayor of the city of New York and as chairman of the board of estimate and apportionment, J. T. Fetherston, as commissioner of street cleaning, and the city of New York, defendants.

STATE OF NEW YORK, COUNTY OF RICHMOND,
City of New York, ss:

Anning S. Prall, being duly sworn, deposes and says: That he is a citizen and a resident and taxpayer in the Borough of Richmond, city of New York, and that he resides at 160 College Avenue, Westerleigh, West New Brighton, N. Y.; that he attended a meeting called by the Staten Island Civic League and held at Borough Hall, New Brighton, N. Y., on Friday evening, March 17, 1916, which meeting was called for the purpose of taking action to prevent the location of a garbage plant on Staten Island for disposing of the garbage of the Boroughs of Manhattan, The Bronx, and Brooklyn; that at that meeting the commissioner of street cleaning, J. T. Fetherston, in the course of his remarks about the location of said plant, said, "Personally, I prefer Rikers Island. I maintain it is the best place. Staten Island is not the proper or logical location for it and I so reported to the mayor. I am opposed to locating it on Staten Island." That the said commissioner, in a report made on February 26, 1916, to one of the members of the board of alderman, copy of which report has been read by deponent, stated as follows:

"Four scow loads of garbage are produced per average day, and a maximum of eight per day. Scows containing garbage as a rule are transported during the night, and over 50 per cent of the garbage produced in Manhattan, The Bronx, and Brooklyn now passes down the East River. The contract provides that the city may place garbage in inclosed steel tanks, thus obviating smells and flies during transportation. This will cost the city about $350,000 for steel tanks and appliances, and result in an annual expense of approximately $25,000. Thus the city, by the above expenditure, is empowered to nullify complaints, if such are warranted, on account of the transportation of garbage to Rikers Island."

That in said report said Commissioner Fetherston made the following comparison between the proposal for Rikers Island and that for Staten Island:

"*Staten Island project.*—Contractor agrees to pay city $900,000 in five years. This money will revert to the street-cleaning pension fund. On the termina-

tion of the contract the city will not own the plant, but will be in the same position as it is to-day—dealing with contractors.

"*Rikers Island project.*—By the payment of $1,500,000 the city will acquire in five years a plant originally costing $2,500,000, and can then operate this plant for an additional period of not less than 10 years at a profit of not less than $500,000 per annum, or over $5,000,000 during the remaining life of the disposal works.

"Is revenue of $5,000,000 worth considering?"

That said commissioner in a report to Hon. John Purroy Mitchel, mayor, chairman board of estimate and apportionment of New York City, which report is dated January 26, 1916, and which has been read by deponent, stated as follows:

"Under the circumstances I recommend that the board of estimate and apportionment authorize the execution of the contract under Form No. 2 with Messrs. Gaffney, Gahagan and Van Etten, issue corporate stock amounting to $1,500,000 for the purchase of the plant on January 2, 1922, and recommend to the board of aldermen concurrence therein."

That said Commissioner Fetherston in a report made to Hon. John Purroy Mitchel, mayor, chairman board of estimate and apportionment, city of New York, which report is dated January 26, 1916, stated as follows:

"Like all processes of manufacturing materials of whatever nature, the Cobwell system is not perfect. It does not, nor can it be expected to, eliminate odors resulting from green garbage on storage, or before the material is placed in the first step of the process—the reducer or kettle. The presence of large quantities of gasoline creates a fire risk and an explosion risk to a grater degree than exists at ordinary garbage disposal works where the tankage alone is treated by a solvent for the recovery of grease. Thus, particular care and attention must be paid the system of piping, the condensers, stills, and other vessels or appurtenances which carry gasoline or vapors thereof. All parts of the apparatus used for the treatment of the garbage must be maintained free from leaks and the building more effectively ventilated than is usualy the case to prevent fires or explosions in case gasoline vapors do escape from any of the confining vessels. Incomplete treatment of the tankage, leaving a residue in the form of moisture or unaltered animal matter, may promote decomposition in the tankage, thus producing odors or gases. Such a result, however, would be local, and not likely to cause odors to travel any great distance from the plant."

The reports heretofore referred to were secured from the office of J. T. Fetherston, commission of street cleaning.

ANNING S. PRALL.

Sworn to before me this 7th day of April, 1916.

JAMES F. TYNAN,
Notary Public, Richmond County, N. Y.

New York Supreme Court, Richmond County. Azell F. Merrell, plaintiff, *v.* John Purroy Mitchel, as mayor of the city of New York and as chairman of the board of estimate and apportionment; J. T. Fetherston, as commissioner of street cleaning; and the city of New York, defendants.

STATE OF NEW YORK, *city of New York, County of Richmond, ss:*

Louis A. Dreyfus, being duly sworn, deposes and says that he is a citizen and a resident and taxpayer in the Borough of Richmond, city of New York, and that he resides at Belair Road, Roseback, N. Y.; that he attended a meeting called by the Staten Island Civic League and held at Borough Hall, New Brighton, N. Y., on Friday evening, March 17, 1916, which meeting was called for the purpose of taking action to prevent the location of a garbage plant on Staten Island for disposing of the garbage of the Boroughs of Manhattan, The Bronx, and Brooklyn; that at that meeting the commissioner of street cleaning, J. T. Fetherston, in the course of his remarks about the location of said plant, said:

"Personally, I prefer Rikers Island. I maintain it is the best place. Staten Island is not the proper place or logical location for it, and I so reported to the mayor. I am opposed to locating it on Staten Island."

Deponent further states that in a conversation with said Commissioner Fetherston at said meeting, the commissioner stated in regard to a garbage plant on Staten Island:

"While it might be a private nuisance, it would not be a public nuisance."

Deponent further states that at said meeting he heard Commissioner Fetherston reply as follows to a question asked by one of those present as to why the city did not continue to use Barren Island for disposal of garbage:

"The board of estimate has voted against it. The present company at Barren Island is unsatisfactory. They have had it long enough. They have had a monopoly in the business. Besides, the board of health has made complaints about the plant on Barren Island."

LOUIS A. DREYFUS.

Sworn to before me this 6th day of April, 1916.

[SEAL.]

FRANK P. DANZILIO,
Notary Public, Richmond County, N. Y.

New York Supreme Court, Richmond County. Azel F. Merrell, plaintiff, *v.* John Purroy Mitchel, as mayor of the city of New York and as chairman of the board of estimates and apportionment; J. T. Fetherston, as commissioner of street cleaning; and the city of New York, defendants.

STATE OF NEW YORK,
County of Richmond, City of New York, ss:

Charles B. Dullea, being duly sworn, deposes and says:

That he is a citizen and a resident and taxpayer in the Borough of Richmond, city of New York, and that he is an attorney and counsellor at law, with an office at Corn Exchange Bank Building, New Brighton, N. Y.; that he attended a meeting called by the Staten Island Civic League and held at Borough Hall, New Brighton, N. Y., on Friday evening, March 17, 1916, which meeting was called for the purpose of taking action to prevent the location of a garbage plant on Staten Island for disposing of the garbage of the Boroughs of Manhattan, the Bronx, and Brooklyn; that at that meeting the commissioner of street cleaning, J. T. Fetherston, in the course of his remarks about the location of said plant, said:

"Personally, I prefer Riker's Island. I maintain it is the best place. Staten Island is not the proper or logical location for it, and I so reported to the mayor. I am opposed to locating it on Staten Island."

CHARLES B. DULLEA.

Sworn to before me this 31st day of March, 1916.

A. MORTIMER PRALL,
Notary Public, Richmond County, N. Y.

New York Supreme Court, Richmond County. Azel F. Merrell, plaintiff, *v.* John Purroy Mitchel, as mayor of the city of New York and as chairman of the board of estimates and apportionment; J. T. Fetherston, as commissioner of street cleaning; and the city of New York, defendants.

STATE OF NEW YORK,
County of Richmond, City of New York, ss:

William Wirt Mills, of 249 Manor Road West New Brighton, N. Y., being duly sworn, deposes and says:

That he is vice president and chairman of the general committee of the Staten Island Civic League and is charged with the executive management of the work of the league; that pursuant to his duties he had conferences with John T. Fetherston, commissioner of street cleaning, with regard to the threatened establishment of a garbage reduction plant on Staten Island, and he was informed by the said commissioner that if the injunction restraining the board of estimate and apportionment was vacated that body would be called together at once and he would be ordered forthwith to sign the contract with Gaffney, Gahagan & Van Etten, resulting in the establishment of a garbage plant on Staten Island.

That deponent called a meeting of all the civic organizations of Staten Island to consider the threatened establishment of said garbage plant on Staten Island and presided at said meeting, which was held in the Borough Hall, New Brighton, N. Y., on Friday evening, March 17, 1916; that at such meeting he gave the commissioner of street cleaning full opportunity to defend the course proposed by the city authorities, and in the course of his remarks, the said

Commissioner Fetherston emphasized the fact that the city would act at once if the hands of the board of estimate and apportionment were untied by the courts.

That deponent, in his official capacity, as vice president and chairman of the general committee of the civic league, on March 23, 1916, made request in writing, on behalf of said league, in a letter to the mayor of the city of New York, for a public hearing before the board of estimate and apportionment prior to any action looking toward the location of a garbage reduction plant on Staten Island; that up to March 31, 1916, no reply had been received to the request, and that diligent inquiry of other citizens of Staten Island, who have written to the said mayor protesting against the proposed action and requesting a public hearing, has revealed no promise or expression of intention to grant such hearing.

That deponent on March 29, 1916, asked the president of the Borough of Richmond whether he had received any intimation or assurance that a public hearing would be granted, and the said president replied that he had not.

Further, deponent has been informed by Commissioner Fetherston, both in personal conversations and at the said meeting in the Borough Hall on March 17, 1916, that the location of the garbage-reduction plant on Staten Island is not, in his judgment, the best solution of the problem, and in his statement to the board of aldermen on February 26, 1916, the said commissioner had raised against the Staten Island site three objections, namely, that access thereto is at certain seasons retarded by ice and often prevented by a storm, that the haul by scows would be more than twice as long as compared with the site he recommended, that on the termination of the contract the city will not own the plant but will be in the same position that it is in to-day—dealing with contractors.

WILLIAM WIRT MILLS.

Sworn to before me this 31st day of March, 1916.

A. MORTIMER PRALL,
Notary Public, Richmond County, N. Y.

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END OF
TITLE